

Town of Brewster



SPECIAL

TOWN MEETING

WARRANT

for use at

TOWN MEETING

on

September 2, 2015

at

7:00 PM

Please bring this copy of the warrant to Town Meeting.
Large print copies of the warrant are available
in the Town Administrator's Office

<p style="text-align: center;">TOWN OF BREWSTER TOWN MEETING WARRANT SEPTEMBER 2, 2015</p>

A	TABLE OF CONTENTS	2
B	CONSENT CALENDAR	3
C	2015 SPECIAL TOWN MEETING WARRANT ARTICLES	4
<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>SPONSOR</u> <u>PAGE</u>
1	Unpaid Bills	Board of Selectmen 4
2	Capital and Special Projects Expenditures	Board of Selectmen 5
3	Debt Budget Principal & Interest Payments	Board of Selectmen 15
4	Special Revenue Fund for the Cable Franchise Fee Account	Board of Selectmen 18
5	Fuel Assistance Funding	Board of Selectmen 18
6	Community Preservation Conservation Restrictions	Community Preservation Committee 19
7	Mutual Easements/ Brewster Ladies Library & Brewster Baptist Church	Board of Selectmen 22
8	Grant of Utility Easement/Electricity to Well No. 3	Board of Selectmen 22
9	Citizen's Petition/Enhancing Beach Access in Brewster: Comprehensive Community-Based Planning	Citizen's Group 23
10	Town Landing & Beach Projects	Board of Selectmen 27
11	Amendment to Town Code/ Town Meetings	Board of Selectmen 43
12	Zoning Code Amendment/Affordable Accessory Single Family Dwelling Unit	Planning Board 44
13	Zoning Code Amendment/Establishment of Districts	Planning Board 45
14	Zoning Code Amendment/Signs	Planning Board 45
15	Zoning Code Amendment/Special Permits	Planning Board 46
16	Zoning Code Amendment/Site Plan Review	Planning Board 47
17	Zoning Code Amendment/Natural Resources Protection Design	Planning Board 47
18	Other Business	Board of Selectmen 48
D	TOWN MODERATOR'S RULE	49
E	GLOSSARY OF FIANCIAL TERMS	52

CONSENT CALENDAR

In the interest of expediting Town Meeting and saving valuable time for discussion of key issues, the 1994 Fall Yearly Town Meeting created the "Consent Calendar" in order to speed the passage of articles which appear to raise no controversy. The purpose of the Consent Calendar is to allow the motions under these articles to be acted upon as one unit and to be passed by a unanimous vote without debate.

THE CONSENT CALENDAR WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE FALL YEARLY TOWN MEETING ON SEPTEMBER 2, 2015.

If you have any questions about these articles, motions or the procedure please feel free to call Charles L. Sumner, Town Administrator, at 508-896-3701 **before** Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the articles, one by one. If any voter has doubt about passing **any** motion, or wishes an explanation of any subject on the Consent Calendar, **THE VOTER SHOULD STAND AND SAY THE WORD "HOLD" IN A LOUD, CLEAR, VOICE WHEN THE NUMBER IS CALLED.** The Moderator will then inquire as to whether the request to hold is for a question or for debate. If the purpose of the request was merely to ask a question, an attempt to obtain a satisfactory answer will be made, and if that occurs, the article will remain on the Consent Calendar absent a further request to hold. If the purpose of the request was to hold the article for debate, the article will be removed from the Consent Calendar and restored to its original place in the warrant, to be brought up, and debated and voted on in the usual manner. No voter should hesitate to exercise the right to remove matters from the Consent Calendar. It is the view of the voters as to the need for debate that is significant, not that of the Town Officials who put together the Consent Calendar. However, it is hoped that voters will remove articles from the Consent Calendar only in cases of genuine concern.

After calling of the individual items in the Consent Calendar, the Moderator will ask that all items remaining be passed **as a unit** by a unanimous vote.

Please review the list of articles and motions proposed for the Consent Calendar which follows. Complete reports can be found under each article printed in this warrant. Please review them carefully.

PROPOSED CONSENT CALENDAR WARRANT ARTICLES

No. 8	Grant of Utility Easement / Well No. 3	Board of Selectmen
No. 11	Town Code Amendment / Town Meetings	Board of Selectmen
No. 12	Zoning Bylaw Amendment / Affordable Accessory Unit	Planning Board
No. 13	Zoning Bylaw Amendment / Establishment of Districts	Planning Board
No. 14	Zoning Bylaw Amendment / Signs	Planning Board
No. 16	Zoning Bylaw Amendment / Site Plan Review	Planning Board
No. 17	Zoning Bylaw Amendment / Natural Resources Protection	Planning Board

**TOWN OF BREWSTER
SPECIAL TOWN MEETING
SEPTEMBER 2, 2015**

Barnstable, ss

To: Roland W. Bassett, Jr.
Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and inform the Town of Brewster inhabitants qualified to vote in Town affairs to meet at the Stony Brook Elementary School Cafetorium on Wednesday, September 2, 2015, next, at 7:00 p.m. o'clock in the evening, then and there to act upon the following articles:

UNPAID BILLS

ARTICLE NO. 1: To see if the Town will vote to transfer from available funds a sum of money to pay bills incurred but unpaid during a previous fiscal year, as follows:

a	Custom Drug Testing Inc.	\$135.00
b.	Cape Cod Engraving	\$ 32.00
c.	Nauset Disposal	\$278.00
	Grand-total	\$445.00

or to take any other action relative thereto.

(Nine-tenths (9/10ths) Vote Required)

(Board of Selectmen)

SUMMARY

This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

Item a: The Town participates in a municipal pool under our insurance provider for all of our safety sensitive drivers. Periodically, drivers will be randomly selected from the pool to undergo drug and alcohol testing. 3 tests were conducted in May for which we were billed after July 1st.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

Item b: This invoice was for a nameplate that was ordered by phone on June 9th, but the invoice was not received until July 10th.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

Item c: This invoice was for solid waste disposal services that were provided in FY2015; however the invoice was not received until after July 1st.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

<i>CAPITAL AND SPECIAL PROJECTS EXPENDITURES</i>

ARTICLE NO. 2: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for the purpose of funding the following capital acquisitions and special project expenditures, to be undertaken during Fiscal Year 2016, including the payment of all costs incidental and related to the carrying out of these projects and their financing, as well as, any professional, design, and engineering service costs; to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money pursuant to Chapter 44 of the General Laws and/or any other enabling authority and to issue bonds or notes of the Town therefore, provided that the amount of the notes or bonds issued hereunder shall be reduced by the amount of the sales proceeds, grant funds, and other money received before the sale of such notes or bonds; to transfer from available funds an additional sum of money for the purpose of paying for the preparation, issuance and marketing of bonds and notes issued hereunder and for paying interest on temporary notes issued in anticipation thereof; to authorize the Town Administrator to sell, trade, lease, exchange or otherwise dispose of, in the best interests of the town, old equipment or vehicles deemed available, the proceeds from any such disposition to be applied toward the cost of acquiring the following equipment or services; and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts, and expend the funds for the following purposes:

1.	<u>Board of Selectmen:</u>	<u>Request</u>	<u>Totals</u>
a.	Professional Facilitator for Coastal & Beach Visioning Meetings	\$10,000.00	
b.	Government Study Phase 2 – Consulting Services	\$7,000.00	
c.	Map Updates	\$5,000.00	
d.	Hazardous Waste Collection Program	\$11,000.00	
e.	Town Buildings & Facilities Repair & Maintenance Projects	\$29,000.00	
f.	Water Quality Compliance & Enforcement	\$10,000.00	
g.	Technology Projects	\$30,000.00	
h.	Local Comprehensive Planning Expense	\$25,000.00	
i.	All Citizens Access Project	\$10,000.00	
	Sub-total		\$137,000.00

2.	<u>Fire Department:</u>		
a.	Dispatch Services Expense	\$27,000.00	
b.	Rescue Service Expense	\$10,000.00	
c.	Ambulance Lease Payment	\$25,000.00	
d.	Radios/Communications Equipment	\$30,000.00	
e.	Personal Protective Equipment (PPE)	\$10,000.00	
f.	Apparatus Lease Payments	\$108,000.00	
g.	Ambulance Replacement Lease	\$53,000.00	
h.	Hazardous Materials Equipment/Supplies	\$4,000.00	
i.	Emergency Management Planning Fund	\$10,000.00	
	Sub-total		\$277,000.00
3.	<u>Department of Public Works:</u>		
a.	Road/Drainage Repairs	\$150,000.00	
b.	Roadside Mower Equipment Replacement	\$125,000.00	
c.	Pick-up Truck Replacement	\$40,000.00	
	Sub-total		\$315,000.00
4.	<u>Police Department:</u>		
a.	Fire Arms Replacement	\$12,500.00	
b.	In-Car Cruiser Video Cameras	\$50,000.00	
	Sub-total		\$62,500.00
5.	<u>Golf Department:</u>		
a.	Aerifier Equipment Lease Payment	\$18,252.00	
b.	Greens Aerifier Replacement	\$27,000.00	
c.	“Workman” Utility Vehicle Replacements (3)	\$77,000.00	
	Sub-total		\$122,252.00
6.	<u>Elementary School Department:</u>		
a.	HVAC Repairs	\$15,000.00	
b.	Technology Upgrades	\$30,000.00	
c.	Interior/Exterior Painting	\$15,000.00	
d.	Carpet & Tile Replacement	\$20,000.00	
e.	Refurbishment of Trolley Wall	\$12,000.00	
	Sub-total		\$92,000.00
7.	<u>Ladies Library:</u>		
a.	Technology Project	\$5,000.00	
b.	Library Parking Lot Improvements	\$302,500.00	
c.	Library AC Chiller Replacement	\$61,250.00	

	Sub-total		<u>\$368,750.00</u>
	Grand Total		<u>\$1,374,502.00</u>

or to take any other action relative thereto.

(Majority Vote Required or Two-thirds
Vote Required if borrowing is
requested)

(Board of Selectmen)

SUMMARIES

1. BOARD OF SELECTMEN

1a. Professional Facilitator for Coastal and Beach Visioning – In response to input received at public meetings, the Board of Selectmen would like to hire a professional facilitator to coordinate and conduct meetings intended to better define, categorize and identify resources and user groups, to ensure that resultant plans include multiple interests and optimize mutual public benefits. This would be funded by a transfer of \$10,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1b. Government Study Phase 2 Consulting Services – The Government Study Committee reported its initial Phase 1 findings to the Board of Selectmen and is now entering the second phase of its 3-phase work scope. Phase 1 included the assessment of current conditions and issues. (The draft Phase 1 report is posted on the Town's web site at www.brewster-ma.gov). Phase 2 will now entail working with a consultant to compile information related to best practices and relevant experiences from other towns. It is anticipated that the cost for these consulting services will be about \$5,000. We have included \$2,000 to cover administrative support for the Committee's minutes, correspondence and incidental costs associated with compiling and distributing information. This would be funded by a transfer of \$7,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1c. Map Updates – The Town's digital GIS maps require periodic updating to reflect new subdivisions, new construction, and other features. This request will allow current data to be maintained in both the digital files and on any printed maps. This would be funded by a transfer of \$5,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1d. Hazardous Waste Collection Program - Funding of this article provides residents with an opportunity to dispose of household quantities of hazardous waste in a safe and secure manner. The ultimate purpose of this program is to protect groundwater resources from possible contamination due to the improper disposal of hazardous waste. Brewster has participated in a regional program during the past several years in cooperation with the towns of Harwich and Chatham. The collection site is located at the Harwich Solid Waste Transfer Station. We typically hold six disposal events annually, and approximately 1,100 households from the three towns participate in this program. This would be funded by a transfer of \$11,000 from Water Revenues.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1e. Town Buildings & Facilities Repair & Maintenance Projects - This request represents the costs associated with projects that are needed primarily to maintain safe and secure conditions in Town buildings and on Town Properties. Included this year are (Estimated at \$9,000) for architectural design services to replace fourteen (14) windows for the Conservation Department, the Town Clerk, and the Town Treasurer/Collector's Offices. We will be seeking the construction funding for the installation of these new windows in the spring of 2016. We are also starting Phase 1 of a 2-Phase carpet replacement project in the Town Office Building, to replace areas where the fibers have become worn and are beginning to fray (Estimated at \$15,000). Also included is the cost (Estimated at \$5,000) to remove the drop ceiling which is failing in the old "Gift Shop" building, located on the Drummer Boy Park Property. This would be funded by a transfer of \$29,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1f. Water Quality Compliance & Enforcement - These funds are sought to provide professional and administrative support services to the Water Quality Review Committee, which enforces the provision of the Town's Water Quality Review Bylaw. This would be funded by a transfer of \$10,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1g. Technology Project - This article provides for the purchase of upgraded desktop computers, servers, productivity and office software, backup systems, and other hardware and software for departments throughout the Town. Computers and servers are replaced on a 3-5 year rotating schedule, and older machines are moved to users with less intensive computer needs. This would be funded by a transfer of \$30,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1h. Local Comprehensive Planning Expense – These funds would be used to support a process by which Brewster envisions the future it wants, and plans how to achieve it. This facilitated process will use a variety of techniques intended to foster dialogue among all participants. It is meant to include residents, visitors, second home owners, business people, town government, students, and anyone else connected to Brewster who wishes to take part. This process will be designed to:

- Encourage public participation in town planning
- Better understand and document community values so that they can inform planning decisions
- Look comprehensively at issues and opportunities across the town to better understand inter relations between them
- Identify and explore strategies to build on opportunities and address issues
- Understand community attitudes and preferences for managing future change
- Articulate a vision statement and conceptual plan that illustrates that vision

This process will be conducted by a consultant to ensure a balanced approach and the involvement of the widest range of stakeholders possible. This would be funded by a transfer of \$25,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

1i. All Citizens Access Project – These funds will be used to undertake a phased project to install several heavy duty electric/mechanical power door drives, as well as to rehabilitate the accessibility ramp at the Captains Golf Course. Annually the Town's All Citizens Access Committee works to improve access and ease of use for all citizens, with particular attention paid to elimination of access barriers or impediments. This would be funded by a transfer of \$10,000 from Free Cash.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until
Town Meeting**

2. FIRE DEPARTMENT

2a. Dispatch Services - This expenditure is utilized to pay Barnstable County for Fire Department dispatch radio repair, CMED, and technology support services. In FY 2016 our fee has been reduced due to a revised method of calculating the cost of services (per capita vs per call). In FY 2017 and 2018 the fee is expected to rise an additional 30% to 35% resulting in a substantial fee increase for these services. Prior effective fiscal planning has resulted in positive account balances

therefore at this time we are requesting the sum of \$27,000 for the FY2016 payment. Funding will be provided through the Ambulance Revenue account.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2b. Rescue Services Expense - This expenditure is utilized to pay for the contractually obligated fees for the fire department's ambulance billing service. The current request is for \$10,000 which is approximately 30% of the annual encumbrance. Funding will be provided through the Ambulance Revenue account.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2c. Ambulance Lease Payment - Ambulance 244 was replaced in 2014 with a five year lease purchase program. At this time the department is requesting \$25,000 which is approximately 50% of the annual lease payment. Funding will be provided through the Ambulance Revenue account.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2d. Radios/Communication Equipment - At the mandate of the Federal Government (FCC) The Commonwealth of Massachusetts is projected to move to a digital radio communication system in 2018. Our current inventory of portable radios is 18 years old and all of these portable radios and many of our mobile radios will be obsolete once this changeover is complete. In December of 2014 seven regional fire departments including Brewster applied for a Federal Assistance to Firefighters Grant (AFG) in the amount of \$1.9 million dollars to fund the complete purchase of radios for all of the involved departments. If the grant is not funded we must ensure we are proactively prepared to initiate a purchase and/or lease program to complete the mandatory replacement of our current radios. This request for \$30,000.00 is the continuation of a prior approved subsidy program. Funding will be provided through the Ambulance Revenue account.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2e. Personal Protective Equipment (PPE) - The National Fire Protection Association (NFPA) sets specific standards regarding the construction of, maintenance, cleaning, and allowances for the number of years (10) a firefighter's personal protective equipment can remain in service. In order to ensure we follow these standards, provide our staff with the highest level of protection, and maintain a stock of certified PPE to distribute to new personnel and candidates attending the Barnstable County Fire Academy we must periodically purchase new personal protective equipment. This article request of \$10,000.00 is to provide the fire department the ability to follow and maintain our PPE replacement program. Funding will be provided through the Ambulance Revenue account.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2f. Apparatus Lease Payments - This expenditure is our annual payment of \$108,000 for the lease of the two Ferrara fire engines. The Ambulance Revenue account will be used to fund this expenditure.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2g. Ambulance Replacement - The Department has established a two year replacement program for our ambulance fleet. This rotational replacement program allows us to obtain a six year service period for each of the departments three ambulances. Ambulance 243 is scheduled for replacement at this time. To complete the replacement of Ambulance 243 with a new vehicle we will be implementing a five year lease/purchase program that will require annual payments of approximately \$50,000.00. At this time we are requesting funding in the amount of \$53,000.00 from the Ambulance Revenue account for the initial lease payment, equipment purchases, and corresponding administrative costs.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2h. Hazardous Material Equipment/Supplies - This fund is utilized to replace equipment and supplies such as speedy dry, absorbent booms, over pack drums, entry suits, gloves, boots, and/or other miscellaneous items employed at hazardous material incidents. Funding in the amount of \$4,000.00 through the Ambulance Revenue account is being requested.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

2i. Emergency Management Planning Fund - The Town has used this account to finance a number of costs incurred during several storm events and training sessions during the past year. In addition, negotiated contract settlements with certain Town staff that assist with EOC operations during storm events will require a funding source to compensate the employees. This article is requesting funding in the amount of \$10,000 from Free Cash to replenish the assets utilized during the past year and subsidize future training, wages, and provide further funding capacity for a wide variety of emergency management costs that may occur during future emergency incidents, storms, or disasters within the community. These funds, which will be financed by free cash, may be used for purposes such as, but not limited to, wages, expenses, training costs, contracted services, and equipment purchases.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

3. DEPARTMENT OF PUBLIC WORKS

3a. Road/Drainage Repairs - This proposal calls for an increase to the Town's annual road and drainage repair effort. In past years, the Town has authorized \$150,000 per year for this work. In addition to Town funding, Brewster also receives approximately \$320,000 +/- thru the Chapter 90 State Aid Program (assuming a state bond authorization of \$200 million). State Aid funding is only available for capital type road projects. As such, town article funding is used for smaller maintenance type work along town roads. This would be funded by a transfer of \$150,000 from Free Cash.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

3b. Roadside Mower Equipment Replacement – The replacement of the 2006 Trackless MT Roadside Mower has been in the Town’s Capital Plan for several years. The equipment has logged about 12,000 miles, or 3,000 engine hours. The age and condition of this equipment presents challenges to repair and it spends a significant amount of time out-of-service. It is currently not operational. Therefore this article seeks funding in the amount of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) to purchase a new roadside mower. The replacement mower would be purchased using the State’s competitively-bid approved vendor list and terms. The purchase will include a new snow-blower attachment to greatly expand the Town’s capabilities to clear snow from sidewalks. This would be funded by a transfer of \$125,000 from Free Cash.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 2, Abs 0

3c. Pick-up Truck Replacement – We have moved up the replacement of this vehicle by one fiscal year in order to allow the existing, serviceable, 2005 Chevrolet 2500 pick-up to be re-allocated to the Foreman and for the Foreman’s 2005 Chevrolet 2500 pick-up to be cycled out-of-service. As voters may recall, the replacement of the Foreman’s vehicle, which had been scheduled in the Capital Plan for FY 2015, was deferred last year. We have recently invested 7 hours of welding to keep the Foreman’s vehicle on the road and we may soon be stretching its ability to pass inspection. Both vehicles must retain plow equipment to ensure their availability for snow and ice removal “24/7” during storm events. This would be funded by a transfer of \$40,000 from Free Cash.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

4. POLICE DEPARTMENT

4a. Firearms Replacement - The Police Department’s current firearms were purchased in 2002 and they have an average life of 10-12 years. Some parts are beginning to fail due to age. Based on research that has been performed nationally, and an in-house evaluation, we will transition to a different style of firearm. We will be able to continue to use the same holsters, which will reduce replacement costs. Additionally, ammo for the new firearms will be more readily available and less expensive than what we are currently using. This would be funded by a transfer of \$12,500 from Free Cash.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

4b. In-Car Cruiser Video Cameras - The current climate surrounding police/citizen interactions highlights the increasing desire for video systems in police cruisers. These cameras can be a useful tool in documenting what transpires during traffic stops, a motor vehicle crash scene, etc. We will look to be sure that the system purchased will accommodate body cameras if we choose to add them at a later time. This would be funded by a transfer of \$50,000 from Free Cash.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

5. GOLF DEPARTMENT

5a. Aerifier Equipment Lease Payment – This represents the third annual lease payment for this equipment. This payment is intended to be covered by a transfer from the Golf Receipts Reserved for Appropriations Account (GRRAA).

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

5b. Aerifier Equipment Replacement - This request would allow us to replace a 1986 greens aerifier. This request is intended to be covered by a transfer from the Golf Receipts Reserved for Appropriations Account (GRRAA).

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 7, No 0, Abs 1

5c. Workmen Utility Vehicle Replacement – These monies will be used replace three (3) 1999 utility vehicles. Our plan would be to undertake a short-term borrowing to be financed over five (5) years.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 5, No 2, Abs 1

6. ELEMENTARY SCHOOL DEPARTMENT

6a. HVAC Repairs/Plumbing/Electrical - These funds will be used to cover the cost for repairs to the heating, ventilation, plumbing and electrical systems at both elementary schools. This would be funded by a transfer of \$15,000 from Free Cash.

Selectmen:	Recommendation	Finance Committee:	Recommendation
	Deferred until		Deferred until
	Town Meeting		Town Meeting

6b. Technology Upgrades - These funds would be used to continue replacement of older computers, computer lab upgrades, iPad purchases and other devices and to continue implementation of installation of interactive Smartboards in classrooms. This would be funded by a transfer of \$30,000 from Free Cash.

Selectmen:	Recommendation	Finance Committee:	Recommendation
	Deferred until		Deferred until
	Town Meeting		Town Meeting

6c. Interior/Exterior Painting - These funds would be used to paint select interior and exterior portions of each school building. This would be funded by a transfer of \$15,000 from Free Cash.

Selectmen:	Recommendation	Finance Committee:	Recommendation
	Deferred until		Deferred until
	Town Meeting		Town Meeting

6d. Carpet & Tile Replacement - These funds will be used to replace flooring at the elementary schools. This would be funded by a transfer of \$20,000 from Free Cash.

**Selectmen: Recommendation
Deferred until
Town Meeting**

**Finance Committee: Recommendation
Deferred until
Town Meeting**

6e. Refurbishment of Trolley Wall- These funds will be used for service and parts replacement for two trolley wall partitions and one electric gym partition at the Stony Brook School. This work is needed in order to improve the ease of operation of these partitions. Repairs would consist of replacement of broken and or worn parts, cleaning, lubrication, tightening, panel leveling and adjustment. This would be funded by a transfer of \$12,000 from Free Cash.

**Selectmen: Recommendation
Deferred until
Town Meeting**

**Finance Committee: Recommendation
Deferred until
Town Meeting**

7. LADIES LIBRARY

7a. Technology Project – The library has established a Technology Fund to replace obsolete and nonfunctioning hardware, printers and software, utilizing a five year replacement cycle to maintain the library's technology in order to provide informational resources to the community. These funds also support the Wi-Fi environment and provide community members with the opportunity to test drive the newest hardware at the library before making their own purchases. The budget would be used to replace some of the library's thirty computers, purchase security software for the public computers, LAN maintenance and purchase of new personal devices as a teaching tool for the public. This would be funded by a transfer of \$5,000 from Free Cash.

Selectmen: Yes 4, No 0, Abs 0

Finance Committee: Yes 6, No 0, Abs 0

7b. Library Parking Lot Improvements – The Town was approached by representatives of the Brewster Baptist Church regarding the possibility of entering into an agreement with the Town and Ladies Library for additional parking. This concept would allow the Town's use of some land directly abutting the library parking lot for the purpose of providing the Ladies Library with direct access to the Church's parking lot as well as the addition of more parking spaces. The advantages of this to the Library and the Town are:

- The only way the Library can expand its parking is through the use of the Church's property.
- Providing drive-through access to the Church parking area as well as additional spaces will greatly assist the Library and its patrons by making parking easier and more convenient.
- From a traffic and safety standpoint, the number of trips on Route 6A will be substantially reduced as patrons will no longer have to enter the Library lot, drive around and if no spaces are found, return to 6A and drive into the church entrance in order to reach the parking lot in the back. This will be

particularly helpful for larger Library events such as the Annual Book Sale, concerts, and in the peak summer months.

- For all elections, connecting the two lots will provide the Town the opportunity to establish a one-way flow of traffic by having the ability to direct voters to enter through the Church driveway and exit through the Library driveway.

The Town, in cooperation with Church and Library officials, has developed a conceptual plan for this improvement project (which is included in this warrant). The following chart provides a breakdown of the costs associated with new concept.

1	Limit of Work Fence	\$ 1,500
2	Demolition	\$ 22,000
3	Drainage	\$ 38,000
4	Parking/grading Asphalt	\$ 150,000
5	Concrete Sidewalks	\$ 15,750
6	Lighting	\$ 20,875
7	Irrigation	\$ 6,875
8	Landscaping	\$ 10,000
9	Manhole for A/C	\$ 10,000
10	Sub-total	\$ 275,000
11	Contingency @ 10%	\$ 27,500
12	Grand-total	\$ 302,500

In order to carry out a project of this magnitude a borrowing authorization in the amount of \$302,500 is proposed.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 5, No 1, Abs 0

7c. Library Air Conditioner Chiller Replacement – The Brewster Ladies Library cooling system was installed in 1997 and is reaching the end of its reasonable service. We are requesting a new cooling system, more efficient, with energy savings. This would be funded by a transfer of \$61,250 from Free Cash.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 6, Abs 0

<p style="text-align: center;"><i>DEBT BUDGET</i> <i>PRINCIPAL & INTEREST FUNDING</i></p>

ARTICLE NO. 3: To see if the Town will vote to appropriate a sum of money for the purpose of funding principal and interest expenses for the following capital & equipment projects:

Item: Category:

	Item Description	Funding Source
1.	Crosby Mansion Septic System Project	Transfer the sum of \$32,679.00 from the Crosby Mansion Revolving Fund
2.	Golf Department Course Improvement & Repair Project	Transfer the sum of \$40,431.00 from the Golf Receipts Reserved for Appropriation account
3.	DPW Open Top Containers, Closed Top Containers and Compacting Equipment	Transfer the sum of \$25,869.00 from Free Cash
4.	Stony Brook School Window Repair Project Phase II	Transfer the sum of \$43,843.00 from Free Cash
5.	Eddy Elementary School Renovation Project	Transfer the sum of \$105,297.00 from Free Cash
6.	Well No. 3 Access Road Improvement Project	Transfer the sum of \$302,230.00 from Water Revenues account
7.	Route 6A Water Infrastructure Project	Transfer the sum of \$3,702.00 from the Water Revenue account
	Grand Total	\$554,051.00

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

SUMMARY

1. Crosby Mansion Septic System Loan Payment – In November of 2010, the Town authorized the issuance of debt in the amount of \$100,000 in order to allow for the construction of a new septic system at the Crosby Mansion. In combination with this project, the Town finished a project in the spring of 2014 that allowed for the construction of new restrooms at the Crosby Mansion. The purpose of these improvements was to enhance rental opportunities at the Crosby Mansion, which it has done. This request will allow for the final principal (\$32,500) and interest payment (\$179) on the temporary note issued for the project loan. Funding for this expense is being provided from the Crosby Mansion Revolving fund.

2. Golf Department Course Improvement Project – In November of 2013 the Town appropriated the sum of \$400,000, which consisted of a transfer of \$200,000 from the Golf Receipts account and a borrowing authorization of \$200,000 for a series of capital improvements at the Captains Golf Course, as follows:

- Sink-hole Repair: This portion of the project allowed for the repair of approximately 10 sink-holes throughout the course.

- Tees Repairs: This aspect of the project provided for the repair of approximately 15 tee boxes. Tee boxes typically require renovation/repair approximately every five years depending on their size and usage.
- Cart Paths Repair: This last portion of the proposal allowed for the repair and/or extension of cart paths on approximately 13 golf holes. This aspect of the project will be completed in the fall of 2015.

This transfer from the Golf Receipts account will be used to pay the first of five principal (\$40,000) and interest (\$431) payments.

3. DPW Open Top Containers, Closed Top Containers and Compacting Equipment

– In November of 2014 the Town authorized a borrowing in the amount of \$88,550 in order to purchase recycling equipment for the Brewster Recycling Center. We participated in a cooperative bid through Barnstable County that reduced this expense to the sum of \$77,099. It is our intention to pay off this temporary note over a three year period. This appropriation represents the first of three principal (\$25,700) and interest (\$169) payments under this plan.

4. Stony Brook Elementary School Window Repair Project – A significant number of the windows within the Stony Brook Elementary School were in poor condition and needed to be replaced. We completed the first two phases of this rehabilitation effort during the summers of 2013 and 2014. The 2014 Annual Town Meeting authorized the Town to borrow funds for this project, which again will be financed over a three year period. This appropriation represents the first of three (3) principal (\$43,450) and interest (\$393) payments under this plan.

5. Eddy Elementary School Renovation Project – The 2015 Annual Town Meeting authorized a capital project, via an Override of Proposition 2 ½, in the amount of \$3,330,000 in order to replace the roof, as well as to install new heating and ventilation systems for the Eddy Elementary School. We issued temporary revenue notes on this project which was completed during the summer of 2014. It is our intention to permanently finance this debt in January of 2016. This appropriation represents a principal (\$85,100) and interest (\$20,197) payment on the temporary note.

6. Well No. 3 Access Road Improvement Project – In May of 2015 Town Meeting authorized a borrowing in the amount of \$617,000 in order to repair the access road to Well No. 3 as well as to provide for new electrical service to this public water supply, which is located off Freemans Way. It is our intention to permanently finance this debt in January of 2016. This appropriation represents a principal (\$300,000) and interest (\$2,230) payment on the temporary note.

7. Route 6A Water Infrastructure Project – The Commonwealth of Massachusetts has notified the Town that they will be reconstructing Route 6A in its entirety starting in the fall of 2015. In preparation for this undertaking we received Town Meeting approval to borrow the sum of \$971,000 in November of 2014 in order to

replace the existing water service lines along this corridor. Water main stubs were also provided to roads that currently have no town water so the roadway would not need to be disturbed after the State's repavement. Once again it is our intention to permanently finance this debt in January of 2016. This appropriation from the Water Revenue account represents an interest (\$3,702) payment on the temporary note.

**Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Recommendation
Deferred until Town
Meeting**

<p style="text-align: center;"><i>SPECIAL REVENUE FUND</i> <i>Cable Franchise Fee Account</i></p>

ARTICLE NO. 4: To see if the Town will vote to transfer the sum of ***SEVENTY THOUSAND EIGHT HUNDRED FORTY AND 00/100 DOLLARS (\$70,840.00)*** from the Cable Franchise Fee account for the 2016 fiscal year for local cable television related purposes, including, but not limited to the general public purpose of supporting and promoting public access to the Brewster cable television system; training in the use of local access equipment and facilities; access to community, municipal and educational meeting coverage; use and development of an institutional network and/or municipal information facilities; contracting with local cable programming services providers and/or any other appropriate cable related purposes, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

SUMMARY

Included within your cable bill is a line item to provide for the operational costs for local cable television services; these monies are retained in a special revenue account. The Cable Television Advisory Committee is currently working collaboratively with several other Lower Cape Town's to operate a shared local access studio at the Nauset Regional High School. In addition, they are working locally to enhance local cable programming within the Town's government channel. These funds will be used by the Committee to continue these ongoing projects, and may include, but are not limited to, equipment purchases, contracted services, construction services and labor expenses.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

<p style="text-align: center;"><i>FUEL ASSISTANCE FUNDING</i></p>
--

ARTICLE NO. 5: To see if the Town will vote to transfer from Free Cash the sum of ***TWELVE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$12,500.00)*** for the Lower Cape Outreach Council, Inc. and to authorize the Board of Selectmen to enter into contracts with this organization in order to provide fuel assistance services for residents of Brewster, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

SUMMARY

The purpose of this article is to seek some limited funding to provide, through an agreement with the Lower Cape Outreach Council, Inc., fuel assistance services via a needs based approach for local community members. This is a relatively new program that is being presented in light of the recent escalation in fuel prices and problematic economic conditions.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 9, No 0, Abs 0

<p style="text-align: center;"><i>COMMUNITY PRESERVATION ACT</i> <i>Purchase of Conservation Restriction</i></p>
--

ARTICLE NO. 6: To see if the Town will vote to authorize the Board of Selectmen to acquire a perpetual conservation restriction under General Laws, Chapter 184, Sections 31 through 33, on two parcels of land designated on Brewster Assessors' Map 93 as Parcels 53 and 54, located at Long Pond Road, in (South) Brewster, Barnstable County, Massachusetts, consisting of 2.23 acres and 2.32 acres, respectively, and more accurately shown as Lots 4 and 3, respectively, on a plan of land entitled, "Plan of Land in Brewster, Mass., Prepared for Edward Campbell, Record Owner: M. Sophie Campbell, Moran Engineering Co., 941 Main Street, So. Harwich Mass. 02661, Scale: 1" = 60', Date: January 14, 1997," and recorded with the Barnstable Registry of Deeds in Plan Book 531 Page 2, a copy of which is on file with the Brewster Town Clerk; to acquire said conservation restriction for conservation and passive recreation purposes for the general public, consistent with the provisions of Mass. General Laws, Ch. 40, §8C, 310 C.M.R. 22.00, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; to transfer the sum of ***One Hundred Thousand and 00/100 (\$100,000.00) Dollars*** from the Fund Balance Reserved for Open Space to pay costs of this acquisition, and all other costs incidental and related thereto; to authorize the Conservation Commission to assume the monitoring and enforcement authority of the conservation restriction on the properties; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase; or to take any other action relative thereto.

(Two-thirds Vote Required)

(Community Preservation Committee)

SUMMARY

This article would enable the Town to continue its partnership with the nonprofit Brewster Conservation Trust (BCT), working together to preserve critical open space, in this case, 4.5 acres (two building lots) on Mill Pond at Route 137. No general municipal revenues are being used for this acquisition. The property to be acquired is within the Zone II (zone of contribution) to the main public water supply well-field serving Brewster. A dilapidated house will be removed by BCT and the site restored at its expense. The BCT would own the land subject to a permanent Conservation Restriction held by the Town's Conservation Commission, guaranteeing public access to the site and pond. The Brewster Conservation Trust will provide \$300,000.00 of the \$400,000.00 total purchase price.

Selectmen: Yes 4, No 0, Abs

Finance Committee: Yes 6, No 0, Abs 0

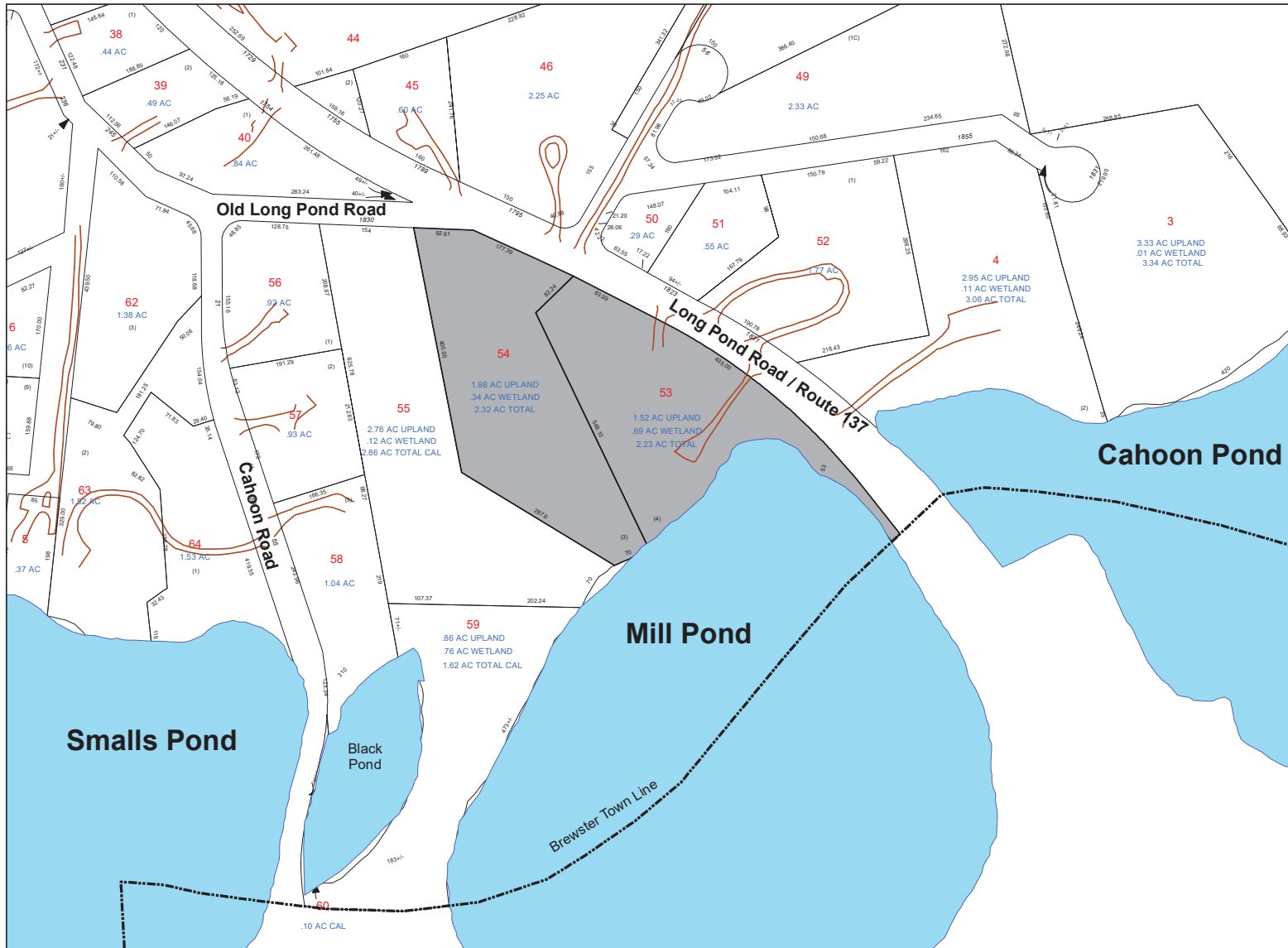
Town of Brewster



1 inch = 166.666667 feet

325

Feet



MUTUAL EASEMENTS
Brewster Ladies' Library & Brewster Baptist Church

ARTICLE NO. 7: To see if the Town will vote to authorize the Board of Selectmen to convey and acquire cross-easement rights pursuant to an Easement Agreement by and between the Town of Brewster and the Brewster Baptist Church, Inc., on and over two parcels of land known respectively as the Brewster Ladies Library and Brewster Baptist Church properties, and designated on Brewster Assessors' Map 57 as Parcels 38 and 39, and located at 1822 and 1848 Main Street, Brewster, Barnstable County, Massachusetts, consisting of .93 acres and 11.65 acres, respectively; the Easement Areas to be conveyed as part of the Easement Agreement are more accurately shown on a plan of land entitled, "Easement Sketch Plan Prepared for Town of Brewster and Brewster Baptist Church, Scale 1"=60', July 28, 2015, J.M. O'Reilly & Associates, Inc., Professional Engineering & Surveying Services, 1573 Main Street, P.O. Box 1773, Brewster, MA 02631," a copy of which is on file with the Brewster Town Clerk; to convey and acquire said cross-easements for the purpose of constructing and maintaining certain improvements to the parking lots and driveways on both properties, and for access, ingress and egress within the Easement Areas, all as shown on the Easement Sketch Plan, so as to provide for the passage of motor vehicles and pedestrians to and from the abutting parking areas, parking in the parking areas, and rights to install and maintain utilities, signage and drainage, if necessary; and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this Cross-Easement Agreement; or to take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

SUMMARY

This article will allow for the Town and the Church to have mutual easements to allow for either entity to use and undertake mutually agreed upon actions, including such things as construction, maintenance, and/or repairs, on either of these two connected parking areas in the future without the requirement of further authorization of a Town Meeting vote.

Selectmen: Yes 4, No 0, Abs 0

Finance Committee:

**Recommendation
Deferred until Town
Meeting**

GRANT OF UTILITY EASEMENT
Electricity to Well No. 3

ARTICLE NO. 8: To see if the Town will vote to authorize the Board of Selectmen to grant to Eversource, for no consideration, an easement to install and maintain an underground electric transmission network over, on, and under Town property, identified on the Town's Assessors' Maps #119 and #120 as parcels # 4 and #2, respectively, and further identified by deed recorded at the Barnstable County Registry of Deeds in Book 1355, on Page 1046, in order to provide

at Town landings or within 1 mile of existing landings or other publicly owned coastal properties. This moratorium shall apply to the Town's proposed parking relocation at Breakwater Beach but not to other Town projects designed specifically to maintain and protect existing parking footprints at Town landings, or to solely resolve drainage, pollution, and/or safety priorities on beach roads and at car parks.

The moratorium shall be lifted only after a comprehensive *Brewster Beach Access Plan*—an overarching guide to Town projects as described above—has been developed, vetted, and approved. The *Plan* shall be designed to enhance Brewster's reputation as a premier beach and living destination with a strong sense of community. Developed through an open and objective community-based process, the *Plan* shall establish the Town-wide framework of goals, priorities, and criteria required to evaluate future landing, beach access, and parking projects. The *Plan* shall address all types of beach access in all seasons, with the goal of safely meeting the needs and wants of beach-goers of all ages, inclinations, and physical capabilities, along with those of the neighborhoods involved.

Projects implemented under the *Plan* shall be designed to maintain and improve beach access across Town and to optimize access at individual Town landings based on site-specific conditions while increasing public safety and maintaining the character of designated "Scenic Roads." All such projects shall require Town Meeting approval prior to execution.

To foster public engagement, objective analysis, and consensus-building, the community-based process used to create the *Brewster Beach Access Plan* shall include these connected tasks:

1. **On-line surveys** and **targeted outreach** shall be conducted to gather opinions, needs, and preferences of all categories of Town landing users and public beach-goers, including year-round residents, seasonal residents, weekly renters, and day/weekend trippers; families, the elderly, and disabled individuals; recreational fishing and boating enthusiasts; dog and horse owners; the business community (particularly hospitality, shellfishing, and real estate); and abutters to, and neighborhoods hosting, Town beach access.
2. **A beach access study** shall be conducted to assess the types of access presently and potentially available at each Town landing and public beach, as well as the actual usage, both for peak season (July 1 - Labor Day) and over the entire year. This study shall address parking availability, linear feet of beach front, bike and pedestrian access, density and types of traffic on beach roads, parking permit sales, parking enforcement, visual and physical access from parking lots, boating and shellfishing accommodations and permit sales, public safety, coastal erosion, climate change, and other considerations.
3. **An options analysis study** shall be conducted to identify and assess the potential benefits and costs of projects to maintain and improve access

and supplement parking near Town landings and State beaches during the peak season. This study shall address options including but not limited to satellite parking, beach shuttles of all kinds, and biking and walking trails.

Tasks 1-3 above shall be conducted in coordination with Brewster's Planning Board, Coastal Committee, Conservation Commission, All-Citizens Access Committee, and other entities as designated by the Brewster Board of Selectmen, jumpstarted using an initial and immediate funding allocation of \$20,000 by the Town. Funding shall be drawn first from any remaining funds under the May 2012 Town Meeting appropriation to study possible parking lots on State property between Crosby Lane and Linnell Landing Road, and then from other sources as designated by the Board of Selectmen in consultation with the Brewster Finance Committee.

These tasks—and the associated findings—shall be integrated within the public engagement and consensus-building activities specified in the Town's June 2015 grant application, "Developing a Coastal Resiliency Strategy for Brewster," if approved under the state's FY16 Coastal Community Resilience Grant Program. Alternatively, the Town shall consider an additional appropriation at the Fall Special Town Meeting supporting the development of the *Brewster Beach Access Plan* within the context of climate resiliency and adaptation.

Under the direction of the Brewster Planning Board, the *Brewster Beach Access Plan* shall be prepared for public review and comment. Final review and approval of the *Plan* shall occur through public hearing processes before Brewster's Planning Board, Coastal Committee, Conservation Commission, and All-Citizens Access Committee, then Brewster's Board of Selectmen. After affirmative votes by each board, the *Plan* shall be adopted and the moratorium imposed herein shall be lifted.

Town Code shall be amended as needed to reflect the provisions of this article.

(Majority Vote Required)

(Citizen's Petition)

SUMMARY

Thanks to many of you for signing the petition to call this Special Town Meeting. The petitioned article calls for public outreach and community planning to resolve the serious challenge of improving beach access in the summer without losing the year-round amenities or compromising the rural character that make Brewster special.

The article directs the Board of Selectmen to halt the demolition of well-protected beach-front parking at Breakwater Beach, the installation of a view-blocking "artificial dune," and the construction of a new parking lot in the adjacent park gifted to the town as conservation land. These activities are scheduled to begin on September 8, 2015.

The article also calls for a temporary hold on other parking-driven projects in sensitive areas while a comprehensive community-based *Brewster Beach Access Plan* is developed based on essential, focused, and interconnected tasks: online surveys and targeted outreach, a beach access study, and an options analysis study.

Contrary to statements by town officials, Brewster does not have a comprehensive beach access plan, the sky is not falling, and this article would not impose a blanket moratorium on all projects at town landings. Projects focused on erosion control, storm water management, pedestrian and bike access, and other priorities would not be affected.

Brewster is challenged by summer demand for beach access. Town officials sell more than 11,000 beach stickers annually, despite having only about 400 permitted spaces at bay and pond beaches. On a peak summer's day, the number of vehicles looking for parking exceeds the number of spaces many times over. Neighborhoods are jammed with frustrated motorists, creating hazards for pedestrians and cyclists. Worse, many who want to enjoy the beach don't even bother trying. Angry full-time and seasonal residents abound. Visitors leave dissatisfied. Businesses suffer, as people go elsewhere.

Meanwhile, coastal erosion is reducing the supply of traditional “next-to-the-beach” spaces in some locations. Town officials are chasing state grants and proposing to spend taxpayer funds to install climate resiliency measures, re-engineer parking layouts, and create new parking lots on a landing-by-landing basis, without clear prioritization or adequate consideration of site-specific access issues and town-wide opportunities. Beloved views, enjoyed year-round, are at risk of being sacrificed to meet summer demand. So too are protected parkland, sensitive habitat, and scenic roads. Yet Brewster has about 2 miles of publicly accessible beach front, much of which will never offer easy vehicular access.

Brewster needs a comprehensive plan, not a piecemeal approach. The town's goal should be to enhance all types of beach access, on a year-round and community-wide basis, for both the near and long terms. Over the 6- to 8-week summer period, flexible and innovative solutions that focus on getting people to places—rather than vehicles to spaces—can help meet peak demand, capitalize on under-utilized assets, and create business opportunities throughout Brewster. A beach shuttle, like those adopted elsewhere, is an obvious “soft” solution, yet town officials have never seriously explored this idea or other creative approaches.

Voters are being asked to spend growing amounts of taxpayer funds to relocate near-beach parking spaces and develop new ones, but there will never be enough to meet peak demand—and even well-engineered projects can be undone by the next storm. This article directs town officials to change course, to halt the fragmented and reactive projects that threaten important interests, and to conduct outreach and research *first*, so Brewster residents, visitors, businesses, and other stakeholders can identify and implement the best solutions *together*.

Please support this article, and then join in the development of a comprehensive community-based *Brewster Beach Access Plan*.

Selectmen: Recommendation Finance Committee: Yes 6, No 0, Abs 2
Deferred until
Town Meeting

<i>TOWN LANDING AND BEACH IMPROVEMENT PROJECTS</i>

ARTICLE NO. 10:

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for the purpose of funding a series of planning activities and improvements to the parking, drainage and access facilities, as described at the locations listed in the summary attached hereto; to be undertaken during Fiscal Year 2016, including the payment of all costs incidental and related to the carrying out of these projects and their financing, as well as, any professional, design, and engineering service costs; to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money pursuant to Chapter 44 of the General Laws and/or any other enabling authority and to issue bonds or notes of the Town therefore, provided that the amount of the notes or bonds issued hereunder shall be reduced by the amount of the sales proceeds, grant funds, and other money received before the sale of such notes or bonds; to transfer from available funds an additional sum of money for the purpose of paying for the preparation, issuance and marketing of bonds and notes issued hereunder and for paying interest on temporary notes issued in anticipation thereof; to authorize the Town Administrator to sell, trade, lease, exchange or otherwise dispose of, in the best interests of the town, old equipment or vehicles deemed available, the proceeds from any such disposition to be applied toward the cost of acquiring the following equipment or services; and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts, and expend the funds for the following purposes:

	<u>Location:</u>	<u>Project Expense:</u>
a	<u>Breakwater Beach:</u> Project Estimate \$268,350	<u>Funding Sources:</u> State Grant \$155,000 Prior Town Meeting Auth. from Comm. Pres. Grant \$59,675 Prior Town Meeting Auth. for Construction Adm. \$10,000 Beach Sand Article \$8,675 Free Cash \$35,000 Sub-total \$268,350
b	<u>Ellis Landing:</u> Partial Roadway Paving - \$39,833 Drainage Improvements - \$30,000 Parking Lot Paving - \$10,046 Landing Ramp System - \$101,500 Contingency <u>\$10,900</u> Sub-Total \$192,279	<u>Funding Source:</u> State Chapter 90, Town Road Bond & Road/Drainage Account \$90,779 Free Cash Transfer - \$101,500 Sub-Total \$192,279
c	<u>Linnell Landing:</u> Reclamation & Construction \$25,800 Partial Roadway Paving - \$48,000 Drainage Improvements - \$58,000 Parking Lot Paving - \$20,000 Contingency - <u>\$15,570</u> Sub-Total \$167,370	<u>Funding Source:</u> State Chapter 90, Town Road Bond & Road/Drainage Account \$147,370 Free Cash Transfer - \$20,000 Sub-Total \$167,370
d	<u>Fisherman's Landing (Sheep Pond)</u> Partial Roadway Paving \$15,000 Drainage Improvements \$67,000 Parking Lot Paving - \$16,500 Guard Rail/Curbing, etc \$30,000 Contingency <u>\$12,850</u> Sub-Total \$141,350	<u>Funding Source:</u> State Chapter 90, Town Road Bond & Road/Drainage Account \$116,350 Free Cash Transfer \$25,000 Sub-Total \$141,350
e	<u>Slough Pond Landing:</u> Permitting - \$2,000 Construction Materials - <u>\$3,000</u> Sub-total \$5,000	<u>Funding Sources:</u> Free Cash - \$5,000 Sub-Total \$5,000
f	<u>Long Pond Boat Ramp & Landing:</u> Permitting & Design \$20,000	<u>Funding Sources:</u> Prior Town Meeting Auth. \$10,000 Free Cash - \$10,000 Sub-Total \$20,000
g	<u>Paine's Creek Foot Bridge:</u> Permitting - \$2,000 Construction Materials - <u>\$4,500</u> Sub-total \$6,500	<u>Funding Sources:</u> Free Cash - \$6,500 Sub-Total \$6,500
h	<u>DCR/Nickerson Park Beach Access Planning:</u>	<u>Funding Sources:</u> Free Cash - \$10,000

	Professional Services \$10,000	Sub-Total \$10,000
i	<u>DCR/Nickerson Park Beach Access Construction:</u>	Funding Sources:
	Site Grading \$5,000	Free Cash - \$30,000
	Paving \$7,500	
	Drainage \$5,000	Sub-Total \$30,000
	Construction Materials \$5,000	
	Gates \$5,000	
	Contingency <u>\$2,500</u>	
	Sub-total \$30,000	
	Total Transfer from Free Cash	Grand Total \$243,000.00

including the payment of costs incidental and related to carrying out these projects, as well as any professional, design and engineering service costs, and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts, and expend these funds for this purpose, or to take any further action relative thereto.

(Majority Vote Required or Two-thirds
Vote Required if borrowing is
requested)

(Board of Selectmen)

SUMMARY

This article is presented in order to provide a comprehensive summary of the various beach and landing related projects that the Town has been working on over the past several years. While some of these matters are still in the planning and permitting process, many are ready or near ready for actual construction in the fall of 2015 and spring of 2016. The citizen's petition article includes a moratorium on these types of projects. Such a moratorium will have an adverse impact on Brewster's beaches and Town Landings, and on the water quality of the adjacent water bodies, as the Town will be unable to make significant repairs that are currently needed to ensure water quality protection and continued public access to these valuable community resources.

In 2003, 2008, 2010, 2012 and 2013 the Town created a series of formal reports; that included summaries of the current conditions of the Town's landings and beaches. These reports found that public access to many of these properties was threatened by ongoing erosion, and that damage to antiquated drainage systems threatened water quality in these ecologically sensitive areas. These reports also included recommended actions appropriate to specific site conditions. In 2013 the Board of Selectmen conducted a tour of all our coastal facilities and discussed current conditions and proposed work and future needs with the directors of our Natural Resources and Public Works departments.

This tour was videotaped and broadcast on Channel 18, our local access station. This site tour was followed up by a meeting by the Board of Selectmen where Chris Miller, our Natural Resource director outlined the issues at each beach/landing. Recognizing the need to comprehensively assess coastal resources and access to them, the Board of Selectmen created the Coastal Committee, and charged the committee with developing a Coastal Management Plan for Brewster's coastal resources. In charging the Committee with preparing this plan, the Board of Selectmen mandated that the Committee shall:

- Conduct an assessment of the coastal processes, natural resources, existing uses and management practices on Brewster's Cape Cod Bay shore (the area extending from the bay facing- edge of the uplands to the lowest low tide of the intertidal flats)
- Identify critical areas of the bay shore, including those that support important uses of the resource, either by humans or coastal species and those that are vulnerable to erosion or affected by upland development
- Identify a range of alternatives to address:
 - future management of all the coastal resources of Brewster's bay shore
 - public access to the bay, including alternatives to onsite parking lots
 - rising sea levels and increases in storm intensity, including retreat and re- location
- Recommend on-going, immediate (1-3years), short-term (4-6 years) and long- term (6+ years) actions
- Recommend ways of securing funding, including new or changes to current means of generating revenue for coastal management and protection.
- The Committee is encouraged to invite public participation in the execution of its responsibilities.

Since 2008 the Town has carried out a series of initiatives addressing coastal erosion, access, storm-water and water quality protection improvements. Some of these initiatives are providing valuable information for developing the Coastal Management Plan and for informing future decisions on our town landings.

The Town was successful in obtaining funding through federal and state grants for many of these projects, amounting to a savings to taxpayers of over \$ 3 million.

These include:

1. The restoration of 41 acres of tidally-restricted salt marsh in the Stony Brook/Paine's Creek Marsh and Watershed to improve habitat for river herring, American eels and rare marsh plants
2. Restoration of the coastal beach and dune at Paine's Creek Beach
3. Removal of the repetitively damaged parking lot at Paine's Creek and development of replacement parking further inland. The original lot was 21 parking spaces, the new lot is 19
4. Restoration of 10 acres of tidally restricted salt marsh at Namskaket Salt Marsh via the installation of box culverts;
5. Restoration of 10 acres of tidally restricted salt marsh at Quivett Creek Salt Marsh via the installation of box culverts
6. Periodic sand re-nourishment and dune stabilization to maintain public access pathways and augment damage caused by storms, tides and heavy rain events.

The Town, has gained local, regional, state and national recognition, as a result of these initiatives; for example the 2011, the Town was awarded the Coastal America Partnership Award for the Stony Brook Restoration project team, which is the highest level award for environmental partnership efforts. It recognizes outstanding collaborative, multi-agency and multi-stakeholder efforts that leverage and combine resources to accomplish coastal restoration, preservation, protection, and education projects of national significance.

The following is a brief description and status of nine (9) specific projects that are in various stages of planning and permitting. The Board of Selectmen believes implementation of these projects is in best interests of the Town, to continue to provide public access and environmental protection to these important community coastal resources.

a. Breakwater Beach

Breakwater Landing is a Town-owned 3.4 acre recreational area that includes a 59-space parking area and approximately 300 feet of frontage on Cape Cod Bay. This is also an important access point to the Brewster Flats for vehicles providing emergency response, and for the public who utilize it to access adjacent shellfish beds and for over sand transport of machinery and sand for nourishment projects on private properties within about a 1 mile radius. This Landing has been subject to repetitive storm erosion damage. The Town has regularly reconstructed a sacrificial vegetated dune at the north end of the lot after major storm events, plus

a sturdy sand fence to capture additional wind-blown sand. Despite this work, the Town has lost parking spaces.

The Town plans to remove and relocate that portion of the asphalt parking lot nearest the beach to an area less vulnerable to storm damage. The same number of removed parking spaces will be developed on adjacent upland. This project will also restore an extensive protective and resilient dune habitat behind the beach, improve beach access, minimize impervious cover and install green storm-water infrastructure to improve water quality for swimming, shell fishing and habitat. Presently, there is no storm water drainage system to manage storm water runoff from the paved parking lot in this environmentally critical area.

The Town was awarded a \$155,000 grant from the Massachusetts Coastal Zone Management's Coastal Resilience Green Infrastructure program for this project.

Town matching funds of \$59,675 were approved at the May of 2014 Annual Town Meeting from the Community Preservation Act funds.

In the fall of 2014, the Town obtained all necessary permits for the project, including state permits, Old Kings Highway Historic District permit, Planning Board approval, and state and local Conservation Commission permits. Due to conflicting opinions on the project, many other hearings were held to discuss the project, including Coastal Committee and Board of Selectmen hearings.

A group of citizens opposing the project appealed the State's Wetlands permit to the Massachusetts Department of Environmental Protection (MDEP) in the spring of 2015. DEP reviewed the project and submittals from both the Town and the parties to the appeal, and ruled to uphold the Brewster Conservation Commission decision as issued.

Due to the delays required by the appeal process, the Town requested a grant extension from the State granting agency, which was extended to December 31, 2015. The Town has gone out to bid for the project with a fall 2015 construction schedule.

If the project is not completed this fall, it is unlikely that the State will issue a second grant extension and the Town will release the \$155,000 in grant funds back to the State.

Detailed drawings and plans depicting this proposal may be viewed by accessing the Town's web site (www.brewster-ma.gov)

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 1, No 6, Abs 0

b. Ellis Landing

At the November 2011 Special Town Meeting we received an appropriation in the amount of \$10,000 to address erosion issues at Ellis Landing, which has suffered severe damage to the landing and beach access.

The existing subsurface storm-water controls were no longer functional due to beach erosion that undermined and exposed these drainage structures. The lack of functional storm water management also caused siltation of shellfish beds and led to additional pollutants flowing onto the public beach. Uncontrolled storm water flow has also compromised access at the boat ramp. These funds were used for permitting, design, and preparation of a cost estimate associated with repair of the landing.

During this same time period, abutting property owners to the west of Ellis Landing were petitioning the Brewster Conservation Commission to construct a new revetment in front of their houses along Cape Cod Bay. Their request for an order of approval was denied by the Conservation Commission in May of 2013. The neighbors appealed the denial to the Barnstable Superior Court and to the Massachusetts Department of Environmental Protection.

In 2015, the abutters and the Town submitted a negotiated joint plan to the Brewster Conservation Commission that provides additional protection to private property and repairs to the Town landing. The application is presently pending before the Brewster Conservation Commission. If approved by the Commission at the public hearing currently scheduled in August, our goal is to begin construction in the fall of 2015.

Due to the erosion rate in this area the Landing design includes a plan to retreat and provide a more resilient ramp, which will allow continued vehicle access for local fisherman to utilize to access shellfish beds offshore, public safety official access during times of emergency, and for beach nourishment and dune restoration efforts by shoreline property owners. The project also includes dune restoration efforts and a native vegetation planting plan.

In addition to this shared project to repair and protect the Town Landing, the Town also designed and permitted a new subsurface storm-water disposal solution for Ellis Landing Road in 2014. This project includes installation of important storm water drainage solutions designed to catch storm water runoff from Ellis Landing Road and divert it to catch basins before the run off reaches the coastal resource areas. The Town plans to install this project at the same time as the improvements to the landing.

This concept was first recommended to the Town in a 2003 Sea Grant Study funded by the Woods Hole Oceanographic Institute and the Cape Cod Cooperative Extension. The 2003 study examined six of the Town's Bay

Beaches and presented multiple strategies to combat damage and loss to public resources.

Detailed drawings and plans depicting this proposal may be viewed by accessing the Town's web site (www.brewster-ma.gov)

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 1, Abs 0

c. Linnell Landing

Linnell Landing contains approximately 25 parking spaces. Currently there are no storm-water control systems for the road or the landing and storm water continually causes a significant "washout" into the Bay. The Town hired an engineering firm in May of 2012 to develop plans and specifications for storm-water control measures, as well as to undertake the environmental permitting process to secure necessary permits.

Funding for this effort was provided at the October 2012 Special Town Meeting.

The Brewster Conservation Commission has issued a permit for this work. The Town is about to issue a bid for construction phase services. To minimize the impact on an abutting business we agreed to delay construction until after the 2015 Columbus Day weekend.

Detailed drawings and plans depicting this proposal may be viewed by accessing the Town's web site (www.brewster-ma.gov)

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 5, No 2, Abs 0

d. Fisherman's Landing

At the October of 2012 Special Town Meeting we received funding authorization in the amount of \$40,000 for design, permitting, and construction of a storm-water control solution at Fisherman's Landing, located on the westerly end of Sheep Pond.

The Landing is accessed via a steep incline and storm-water runoff from the surrounding area discharges directly into the pond. The runoff problems have caused significant erosion to the parking lot and the beach below it and are becoming a costly maintenance issue.

During the project development phase a local resident, who is a Landscape Architect, volunteered to assist the Town. This collaboration resulted in an enhanced plan that will reallocate boat and citizen parking spaces. The current design only allows for parking of vehicles with boat trailers in thirteen (13) marked spaces. However, one marked space is used for handicap access to an accessible platform, and one is utilized for port-o-let facilities, leaving only eleven (11) available double deep parking spaces.

Currently, people double-park in the trailer spots while utilizing the beach. This generates congestion and poor traffic circulation. The revised design will provide parking for cars and vehicles with trailers as well as providing improved beach access and other drainage and site improvements.

The re-design designates one side of the parcel for car parking (above the beach) and keeps trailer parking adjacent to the boat ramp. This configuration allows for three (3) handicap car spaces and twenty-two (22) car spaces (with half of the cars parked-in by others).

This project has been approved by the Conservation Commission and we will be seeking to amend that original permit in August to enhance public access. The Town will be issuing a bid for this project shortly and hopes to complete construction in the spring of 2016.

Detailed drawings and plans depicting this proposal may be viewed by accessing the Town’s web site (www.brewster-ma.gov)

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 5, No 2, Abs 0

e. Slough Pond Landing

Slough Pond Landing is a 0.22 acre recreational landing located at the intersection of Slough Road and Old Red Top Road in West Brewster. The Landing is used for car-top boat access, fishing, and general beach use and swimming. Launching of boats is typically done by walking them down the road to the intersection, then down the grass slope into the water. Carrying boats down the road to the intersection is dangerous due to traffic, and the grassy slope is rapidly eroding from foot traffic and the practice of dragging boats to and from the water. Currently parking is informal and extends off the town property onto private land located east of the landing. The small size of the landing and intense use it receives led to a discussion and design that will mitigate some of the erosion and protect the shoreline area.

The property was surveyed and the proposed modifications are shown on the attached plan. The Town land will support 4 parking spaces. A wooden ramp will be installed on the east side of the stairs to allow boats to be launched without eroding the slope. Wave action is currently undermining the shoreline, so a coir fiber roll (coconut fiber) will be added along the shore, and plantings will be installed to stabilize the bank. A tree will be planted in the center of the grassy area, which will be loamed and seeded. A hand rail will be installed at the entrance to the pond, and the steps into the pond will be reworked. Storm water runoff was addressed through repairs to an existing infiltration gallery located under the parking adjacent to the roadway.

The Natural Resources Department and Department of Public Works plan to do much of this work in-house using existing funding articles. Permitting is underway and will be completed in September with work anticipated this fall.

Detailed drawings and plans depicting this proposal may be viewed by accessing the Town's web site (www.brewster-ma.gov)

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 4, No 2, Abs 0

f. Long Pond Landing

In November of 2013 Town Meeting appropriated the sum of \$10,000 to develop initial engineering estimates to replace the deteriorated boat ramp at Long Pond. The Town will work with a local engineering firm to prepare design plans and specifications that can be put out to bid for construction. The firm will also prepare and obtain the required permits for the project, including an Order of Conditions and a Chapter 91 waterway license. The rough cost estimate for construction was \$150,000. A refined estimate established after permitting will be used to continue to work with state officials on obtaining grant funds for this work.

Plans and examples of the materials proposed for this project may be viewed by accessing the Town's web site (www.brewster-ma.gov)

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 1, Abs 0

g. Paine's Creek Foot Bridge

This is a new project and this article seeks funds to complete plans and undertake construction of a new elevated path and foot bridge to replace a deteriorated footbridge located north of Cedar Hill Road, which was built by neighbors to Paine's Creek Beach. The proposed bridge and path lead to the approximate center of the Town's 1,660 linear feet of public beach between Paine's Creek and Mant's Landing. Currently, the existing bridge is used primarily by the residents of the surrounding neighborhoods.

This appropriation would fund the development of the design for an engineered bridge and elevated walkway across the flooded portion of the ditch, leading from Freeman's Pond. The plans would be used to amend the existing Order of Conditions and construction could begin this fall or spring of 2016.

A conceptual plan depicting the location and scope of this proposal may be viewed by accessing the Town's web site (www.brewster-ma.gov)

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 1, Abs 0

h. DCR/Nickerson Park Beach Access Planning

The purpose of this request is to provide additional planning money for a beach access project. This site includes over $\frac{3}{4}$ of a mile of beach frontage on Cape Cod

Bay and is located in an area of Cape Cod Bay that has not been experiencing significant erosion.

In May of 2012 we received an appropriation from the Annual Town Meeting in the amount of \$25,000 to hire a consulting firm to undertake a feasibility study to develop additional parking and other access opportunities between Crosby Lane and Linnell Landing, on the 87 acres of land owned by the Department of Conservation and Recreation (DCR).

This concept and that appropriation received unanimous support from the Board of Selectmen and the Finance Committee and were approved by Town Meeting.

Town officials have heard resident and visitor concerns about heavy traffic on these roads, particularly on Crosby. In addition the mix of pedestrian and vehicle traffic is a serious public safety concern.

The Commonwealth of Massachusetts, acquired this land between 1984 and 1990, to expand Nickerson State Park and provide parking and other facilities for public beach access. While the Commonwealth did develop some preliminary plans for this project it was never funded nor constructed.

The Crosby Mansion and the Cape Repertory Theatre are part of this portion of the Park. Since the Town obtained Special Legislation related to the Crosby Mansion Special Use Permit in 2002, Brewster has continued to engage the DCR in discussions related to partnering for improved public access to these natural and cultural resources.

The purpose of the Town's 2012-funded project was to prepare a preliminary concept plan for parking facilities, access roads, a connection to the Cape Cod Bike Trail and other beach amenities as a basis for discussions with DCR, residents of the immediate neighborhoods, and other Brewster residents. It took some time to gain DCR support for the parties to continue discussions and a preliminary concept plan was presented at a Board of Selectmen's public meeting on July 21st, 2014. There have been several meetings throughout the winter of 2013-2014 with State officials and our Legislators, in order to pursue a short and long-term inter-agency lease agreement between the Commonwealth and the Town

Attached is a copy of the preliminary concept plan presented at the Board of Selectmen's meeting in July of 2014. This is still a draft conceptual plan that has not been finalized by either party, but it does frame some of the Town's goals during these negotiations. Further discussions among town officials and Brewster citizens, as well as with DCR, are necessary, and this plan is intended just to reference the current status.

A conceptual drawing depicting this proposal is included here to orient readers to the location and scope of this proposal.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 5, No 2, Abs 0



Legend

 DEPwetlands

1 inch = 100 feet

300

☐ Feet

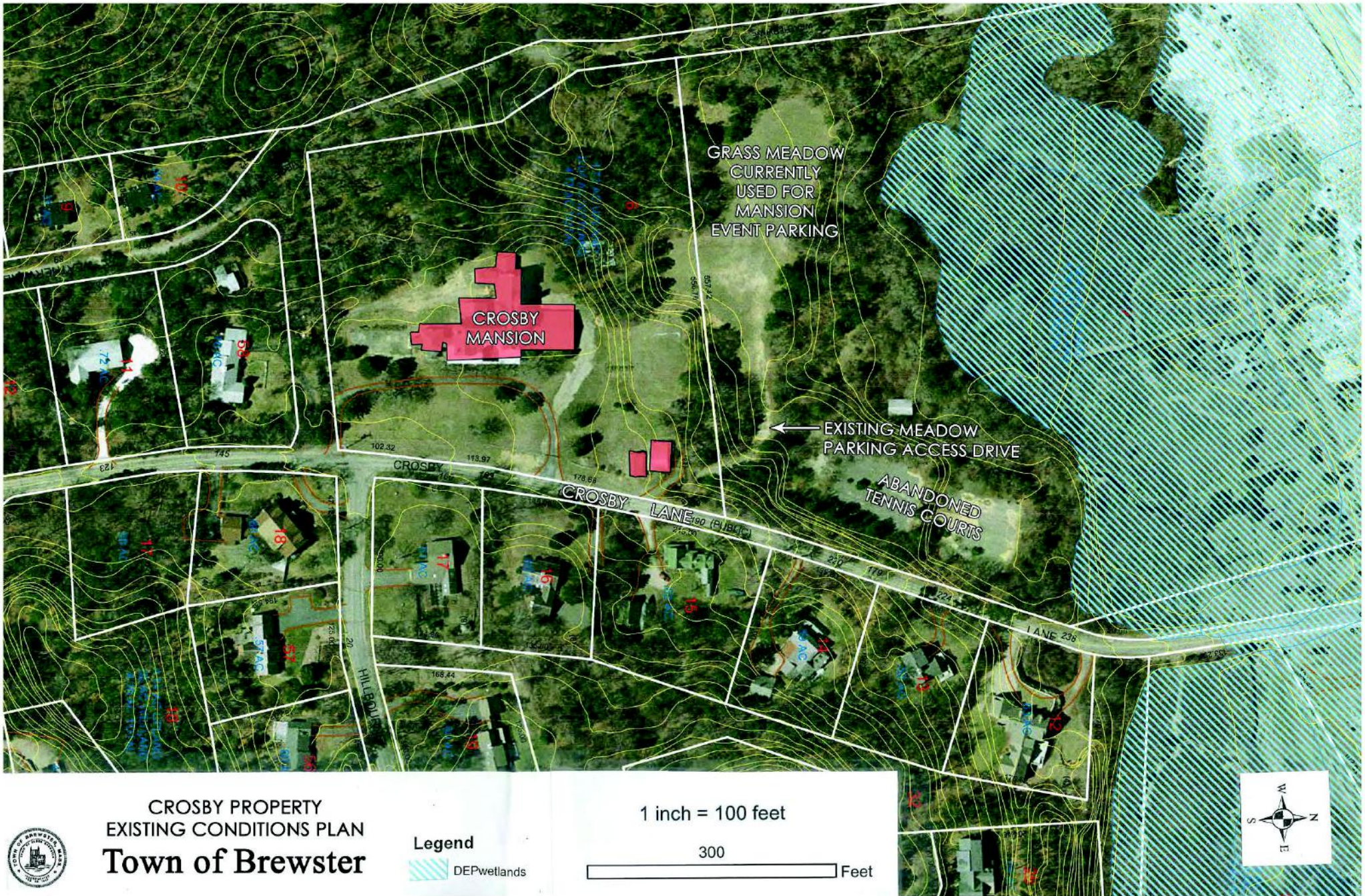
i. DCR/Nickerson Park Beach Access Construction
--

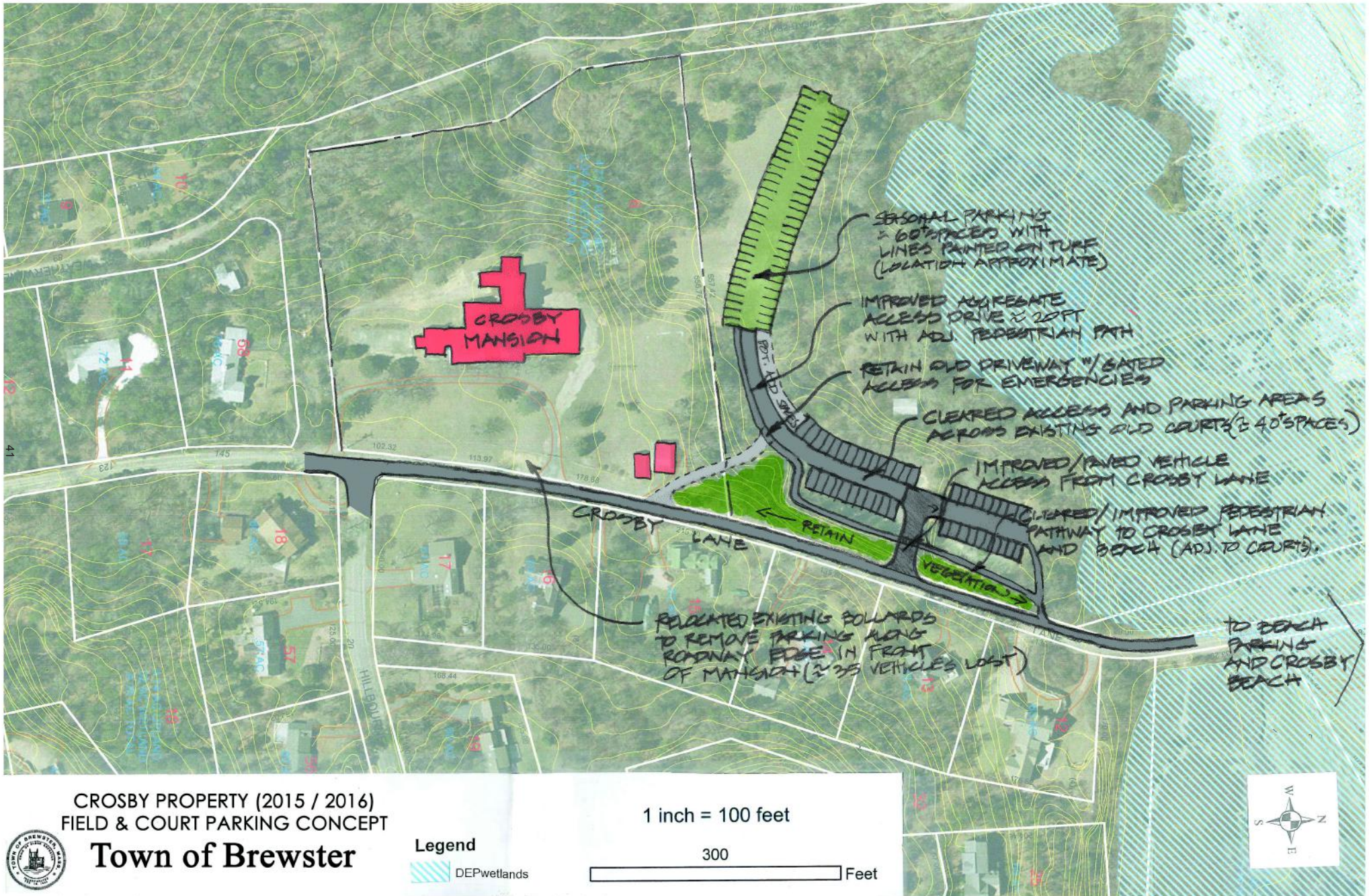
During our discussions with the Commonwealth of Massachusetts on the larger planning matter, as indicated in the previous summary, we identified a potential opportunity for expanded public access beach parking at the two abandoned tennis courts and an open field adjacent to the Crosby Mansion, on DCR property. The field is currently used for parking for events at the Crosby Mansion.

The existing tennis courts, while overgrown, still have the original asphalt base. The current access point to Crosby Lane is problematic, however we have developed a plan that would relocate the access point, clear the overgrowth and install control gates for the estimated sum of \$30,000. We believe that this work would add approximately 100 un-paved parking spaces and could be available for June 2016.

A conceptual drawing depicting this proposal is included here to orient readers to the location and scope of this proposal.

Selectmen: Yes 4, No 0, Abs 0 Finance Committee: Yes 4, No 2, Abs 0





Additional Information

The Town's ongoing planning efforts combined with timely and cyclical opportunities continue to shape the Town's short and long-term priorities and projects for its vital and ecologically sensitive coastal properties. The Town has submitted numerous grant applications for assistance with planning for a changing climate, ongoing demands on coastal infrastructure such as access and parking, and outreach to the citizens and summer visitors to determine the most appropriate plan for our future.

In 2014 Brewster submitted separate applications in response to two grant opportunities addressing coastal vulnerability offered by the Commonwealth of Massachusetts. Both of these applications were funded. Copies of the applications are on the Town web site.

The first state grant award, noted above, "Building Coastal Resilience in Brewster", was \$200,000 out of a total project cost of \$298,925. The town and its partners provided a cash and in-kind service match of \$98,925.

The final reports are not yet complete but will include the results of a study of erosion and calculation of the volume and direction of sediment flow along the coast, a web site on coastal hazards and preparedness, some conceptual and final designs that will increase the resiliency of our coastal properties and will integrate the erosion and sediment study, and an update of the Town's Beach Atlas, prepared by the firm CLE Engineering.

Town Departments and Committees are working collaboratively on the web page with details on each landing, coastal resiliency issues, etc., led in part by the engineering and planning firm, Horsley Witten.

The second grant Brewster received was a Green Infrastructure grant to implement the proposed Breakwater resilience design described above.

This spring the Town submitted a grant application to the Commonwealth of Massachusetts- to develop a consensus-based Coastal Adaptation Strategy for Brewster. The Town proposed a professionally- facilitated process that would involve:

- A. Conducting a vulnerability and risk assessment that will establish a science-based foundation for policy dialogue on coastal resilience and adaptation.
- B. Engaging in a facilitated public participation process that expands citizen, town staff and town committee member's understanding of these vulnerabilities; and builds capacity for evaluating management strategies to respond to changing climate conditions;

- C. Collecting appropriate data and conduct an alternatives analysis of adaptation and resiliency options, responsive to the vulnerability assessment and public consensus;
- D. Developing a final Strategy that identifies management measures, standards and policies that will enable the Town of Brewster to adapt to, and redesign to accommodate our changing coastal conditions.

Grant awards have not been announced at the time of development of this Town Meeting warrant article. A copy of this grant application is on the Town web site.

In late July 2015 the Town received a grant for a facilitated web-based climate resiliency process called “Getting to Resilience”. Brewster was the only Cape Cod town selected for this grant, based on our proactive approach to climate change and experienced staff. The results of this facilitated training will assist with Brewster entering the National Flood Insurance Program’s Community Rating System, which could provide discounts to citizens on their flood insurance.

Recently the Town’s Natural Resource Director (Chris Miller), the Conservation Administrator (James Gallagher) and the Town Emergency Management Director (Fire Chief Robert Moran) spent several hours touring with 6 people from the Federal Emergency Management Agency (FEMA) reviewing our beaches and damage from this winter’s disaster declaration. In order to receive reimbursement for storm damage in a declared emergency, towns must meet certain FEMA requirements. Representatives from CLE Engineering participated. Their role will be to ensure that any engineered solutions at our beaches meet FEMA requirements. Overall, FEMA was very impressed with Brewster’s activities to preserve and restore our landings. They commended our proactive approach with surveys and permitting. FEMA notes that their requirements are “a very high bar” but stated that Brewster is on the right path. Town officials will continue to work closely with them on all of our emergency preparedness and resiliency efforts, both for public roads and landings and for our private properties that may face risks from storms and a changing climate.

AMENDMENT TO TOWN CODE <i>Town Meetings</i>
--

ARTICLE NO. 11: To see if the Town will vote to amend Chapter 48, Article I, Section 48-1 of the Code of the Town of Brewster, Massachusetts, as follows (proposed changes are bolded and underlined):

Delete the current language:

The Town will hold two regularly scheduled Town Meetings. The Spring Annual Town Meeting for the transaction of all business for the town, other than matters to be determined by ballot, shall be held on the first Monday in May at 7:00 p.m. The Annual Election for the election of officers and such matters as are by law determined by ballot shall be held on the third

Tuesday in May. Whenever the Annual Election for the election of officers and such matters as are by law determined by ballot falls fewer than two weeks after the scheduled beginning of the Spring Annual Town Meeting then the Annual Election shall be held on the fourth Tuesday in May. The **Fall Yearly** Town Meeting will be held the third Monday in November to address the transactions of all business for the town. Whenever this schedule places it in the same week as Thanksgiving Day, the **Fall Yearly** Town Meeting shall be held instead on the second Monday in November.

And substitute the proposed language:

The Town will hold two regularly scheduled Town Meetings. The Spring Annual Town Meeting for the transaction of all business for the town, other than matters to be determined by ballot, shall be held on the first Monday in May at 7:00 p.m. The Annual Election for the election of officers and such matters as are by law determined by ballot shall be held on the third Tuesday in May. Whenever the Annual Election for the election of officers and such matters as are by law determined by ballot falls fewer than two weeks after the scheduled beginning of the Spring Annual Town Meeting then the Annual Election shall be held on the fourth Tuesday in May. The **Special** Town Meeting will be held the third Monday in November to address the transactions of all business for the town. Whenever this schedule places it in the same week as Thanksgiving Day, the **Special** Town Meeting shall be held instead on the second Monday in November.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

SUMMARY

This wording correction eliminates the reference to a “Fall Yearly Town Meeting” and properly identifies the Town meeting, which is customarily and routinely held in the Fall, as a “Special Town Meeting”, consistent with the meaning and definition assigned by the State Department of Revenue to the proscribed functions and activities permitted by state law to occur outside of the “Annual Town Meeting” cycle.

Selectmen: Yes 4, No 0, Abs 0

Finance Committee:

**Recommendation
Deferred until Town
Meeting**

ZONING BYLAW AMENDMENT

Definition: Affordable Accessory Single-Family Dwelling Unit

ARTICLE NO. 12: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, Zoning, Article I, Section 179-2, Definitions, deleting the “S” in “AASDU” so that it reads:

AFFORDABLE ACCESSORY SINGLE-FAMILY DWELLING UNIT (AADU) - Affordable housing, either attached or detached, as an accessory use to a single-

family dwelling. It shall have a maximum of two bedrooms and a maximum of 900 square feet of area. [Added 11-5-2007 FYTM, Art. 20]

or to take any other action relative thereto.

(Two Thirds Majority Vote Required) (Planning Board)

SUMMARY

This is a housekeeping item that changes nothing about the intent or meaning of the definition. Affordable Accessory Single-Family Dwelling Units are referred to by the acronym “AADU” 12 times in the zoning by-law and by the acronym “AASDU” once, in this definition. The acronym in the definition is being changed to match the other occurrences in the zoning by-law.

Selectmen: Recommendation Finance Committee: Yes 6, No 0, Abs 0
Deferred until
Town Meeting

ZONING BYLAW AMENDMENT
Establishment of Districts

ARTICLE NO. 13: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, Zoning, Article II, Section 179-3, Establishment of Districts, by deleting paragraph D, which includes the following text:

D. The Corridor Overlay Protection District is a town-wide overlay protection district which is superimposed over all existing zoning districts. [Added 5-9-1994 ATM, Art. 25]

or to take any other action relative thereto.

(Two Thirds Majority Vote Required) (Planning Board)

SUMMARY

This is a housekeeping item that changes nothing about the intent or working of the by-law. In 2011, the Corridor Overlay Protection District was deleted from the zoning by-law and replaced with Site Plan Review. Since the Corridor Overlay Protection District no longer exists, and Site Plan Review is not an overlay district, this paragraph is being deleted.

Selectmen: Recommendation Finance Committee: Yes 6, No 0, Abs 0
Deferred until
Town Meeting

ZONING BYLAW AMENDMENT
Signs

ARTICLE NO. 14: To see if the Town will vote to amend Chapter 179 of the

Brewster Town Code, Zoning, Article V, Section 179-21 (first mention), Enforcement; abandoned signs; appeals, by renumbering the section to 179-20.7, so that it reads:

§ 179-20.7. Enforcement; abandoned signs; appeals.

or to take any other action relative thereto.

(Two Thirds Majority Vote Required)

(Planning Board)

SUMMARY

This is a housekeeping item that changes nothing about the intent or working of the by-law. It was discovered that there are two sections in the by-law labeled 179-21. This will change the numbering so that only one section has the number 179-21.

Selectmen: Recommendation Finance Committee: Yes 6, No 0, Abs 0
Deferred until
Town Meeting

ZONING BYLAW AMENDMENT
Special Permits

ARTICLE NO. 15: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, Zoning, Article X, Section 179-51, Special permits A. (5) Findings, by deleting the second occurrence of the word “Development” and replacing it with the word “Site,” so that it reads:

- (d) For developments subject to Chapter 83, Site Plan Review, it is recommended that applicants incorporate development standards specified under Chapter 83, as well as applicable development standards specified in this Zoning Bylaw (Chapter 179), to better coordinate permitting under both bylaws.

or to take any other action relative thereto.

(Two Thirds Majority Vote Required)

(Planning Board)

SUMMARY

This is a housekeeping item that changes nothing about the intent or working of the by-law. This section still refers to Development Plan Review, even though it was removed from the by-law in 2011 and replaced with Site Plan Review. This change corrects the reference.

Selectmen: Recommendation Finance Committee: Yes 6, No 0, Abs 0
Deferred until As amended
Town Meeting

ZONING BYLAW AMENDMENT
Site Plan Review

ARTICLE NO. 16: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, Zoning, Article XII, Section 179-67B, Severability, by deleting “67-B” from the numbering and renumbering the section “179-68, so that it reads:

§ 179-68. Severability.

or to take any other action relative thereto.

(Two Thirds Majority Vote Required)

(Planning Board)

SUMMARY

This is a housekeeping item that changes nothing about the intent or working of the by-law. This section was numbered incorrectly when the by-law was changed. This change corrects the error in numbering.

Selectmen: Recommendation Finance Committee: Yes 6, No 0, Abs 0
Deferred until
Town Meeting

ZONING BYLAW AMENDMENT
Natural Resources Protection Design

ARTICLE NO. 17: To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, Zoning, Article XIII, Section 179-51.1, Permanent Preservation of Open Space Land, A., Ownership of Open Space Land, (1) (b) by deleting the numbers “4.6.2” and replacing them with “179-75.1B” so that it reads:

- (b) Conveyed to a nonprofit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in 179-75.1B below. Such organization shall be acceptable to the Board as a bona fide conservation organization; or

or to take any other action relative thereto.

(Two Thirds Majority Vote Required)

(Planning Board)

SUMMARY

This is a housekeeping item that changes nothing about the intent or working of the by-law. The reference to another section in the by-law was numbered incorrectly when the by-law was passed. This change corrects the error.

Selectmen: Recommendation Finance Committee: Yes 6, No 0, Abs 0
Deferred until
Town Meeting

ANY OTHER BUSINESS

ARTICLE NO. 18: To act on any other business that may legally come before this meeting.

(Majority Vote Required)

(Board of Selectmen)

And you are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the Town of Brewster affixed this __ day of August, 2015.

Benjamin W. deRuyter, Chairman

Patricia E. Hughes, Vice-Chairman

Peter G. Norton, Clerk

John Theodore Dickson

James W. Foley

I, Roland W. Bassett, Jr. duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Special Town Meeting of September 2, 2015 by posting attested copies thereof, in the following locations in the Town on the ____ day of August, 2015.

Brewster Town Offices
Ladies Library
The Brewster Store
U. S. Post Office

Brewster Farms Brewster
Brewster Pizza House
Millstone Liquors
Café Alfresco

Roland W. Bassett, Jr. Constable

MODERATOR'S RULES REGARDING TOWN MEETING

Priority shall be given to registered voters of the town for admission to all town meetings, whether annual or special meetings. Therefore, the following rules shall apply:

1. Prior to admission to the hall, persons desiring admission shall check in with the Registrars of Voters, who will be present at the main entrance with voter registration lists.
2. Non-voters, who desire to be present, will be seated in the area designated as the non-voter section. If voters present need seating, then the non-voters will have to leave the meeting hall.
3. Non-voters will not address the town meeting without the unanimous consent of all voters present and will not participate in voting.

TOWN MEETING PROCEDURE

THE MODERATOR has absolute control of the town meeting.

GENERAL LAWS CHAPTER 39 SECTION 15: The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking allows no interruptions except when a point of order is raised.

WHEN A VOTER WISHES TO SPEAK he may rise, say, "Mr. Moderator," and wait for recognition. Then, with the microphone, please give your name. The voter may continue with due regard to reasonable brevity, as long as he speaks directly to the question under discussion.

THERE WILL BE NO SMOKING OR STANDING in the meeting hall.

ANYTIME THE MOTION TO BE VOTED ON IS UNCLEAR, ask the Moderator before voting.

VOTERS WILL PLEASE HOLD THEIR BREWSTER VOTER TAG in their right hand, so that the tellers when counting hand votes will count them.

NO PERSON IS TO INDULGE IN PERSONALITIES OR DEROGATORIES. Let us maintain decorum and reason together.

MOTIONS

MAIN MOTIONS are always on articles in the town warrant. They are made, seconded, and then opened for consideration.

SECONDARY MOTIONS are motions which refer to main motions. Secondary motions usually amend, postpone, or limit consideration.

AMENDMENTS may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). An amendment need not be voted upon, if the proposed change is agreeable to the proponents of original motion. Voters must submit amendments in legible writing.

POSTPONE

TO REFER TO COMMITTEE "COMMIT" if changes in a main motion are numerous, take too much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made and when the committee should report.

POSTPONE TO A DEFINITE TIME: defers action on a main motion to a stated hour, usually during the meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.

"LAY ON TABLE" intends to temporarily lay aside an article. Not debatable; majority vote carries. An article not taken from table before the meeting adjourns is dead. To be considered at a subsequent meeting, it must reappear in the warrant for that meeting.

"TAKE NO ACTION" "PASS OVER" "POSTPONE INDEFINITELY" are debatable motions and require majority vote. The intent is to defeat the motion.

LIMIT CONSIDERATION

LIMIT DEBATE. This secondary motion requests a vote to be taken at a specific time. Requires a 2/3 majority vote.

"MOVE THE PREVIOUS QUESTION" demands an immediate vote on any motion under consideration without further debate on the motion. May not be debated or amended. Requires 2/3 vote to carry. If it carries, we vote on the main motion that we voted to end the debate on.

POINT OF ORDER

IF A VOTER QUESTIONS THE LEGALITY or propriety of the proceedings, he may rise, interrupt the speaker and say, "Mr. Moderator, I rise to a point of order" or "question of privilege."

VOTES ON MAIN MOTIONS

Usually majority of those attending carries (passes).

EXCEPTIONS:

2/3 MAJORITY VOTE REQUIRED borrowing of money appropriations for land purchases; land purchase for public domain; sale or abandonment of unneeded land; abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning bylaws.

4/5 USUALLY REQUIRED payment of a bill for which insufficient appropriations made in a previous year, at the annual town meeting. A 9/10 vote is required at a special town meeting.

POSTPONE INDEFINITELY requires a majority vote, may be debated, and may not interrupt the speaker.

GLOSSARY OF FINANCIAL TERMS

1. Appropriation – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended. Only town meeting can authorize money appropriated for one purpose to be used for another. Any amount that is appropriated may be encumbered (see encumbrance). Any part of an annual operating appropriation not spent or encumbered by June 30 automatically reverts to the undesignated fund balance that may result in free cash. If departments know of remaining unpaid bills at the close of the fiscal year and properly notifies the Town Accountant (MGL Ch. 41 ss. 58), the departmental appropriation is encumbered. This action extends the annual spending authorization until such time that the bill is paid or it is decided not to spend the funds. If these encumbrances are not acted on within a year, the Town Accountant generally notifies the department and closes them out. A special purpose appropriation, on the other hand, may carry forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

2. Audit – An examination of systems, procedures, and financial data by a certified public accountant, reporting on the fairness of financial statements and compliance with statutes and regulations. The audit is a valuable management tool for evaluating the fiscal performance of a community.

3. Available Funds – Funds established through previous appropriations or resulting from financial operations. They may be appropriated to meet unforeseen expenses, or large non-recurring or capital expenditures. Examples include free cash, stabilization fund, overlay surplus, water surplus, and enterprise retained earnings.

4. Betterments (Special Assessments) – Whenever a limited area of a community receives benefit from a public improvement (*e.g.*, water, road, sewer, sidewalk, etc.), special property taxes may be assessed to reimburse the governmental entity for all or part of the costs it incurred. Each parcel receiving benefit from the improvement is assessed for a proportionate share of the cost of such improvements. The proportionate share may be paid in full, or the property owner may request the assessors to apportion the betterment over a period of up to 20 years. Over the lifetime of the betterment, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid.

5. Bond – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date in the future, called the maturity date, together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for a longer period of time.

6. Bond Anticipation Note (BAN) – A short-term note to provide cash for initial project costs issued in anticipation of bond proceeds. BANs may be issued for a period not to exceed five years, provided principal repayment

begins after two years. Communities with approved projects on the School Building Assistance (SBA) priority list may defer principal payments up to five years (approved annually in outside sections of the budget). The final maturity date of the project borrowing, beginning from the date the short-term note was issued, may not exceed the term specified by statute. BANs are full faith and credit obligations.

7. Bond Authorized And Unissued – Bond authorized but not yet sold. Issuance is contingent only on action by the Town Treasurer and a majority of the Board of Selectmen.

8. Bond Counsel – An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue.

9. Bond Issue – Generally represents the sale of a certain number of bonds at one time by a governmental unit.

10. Bond Rating (Municipal) – A credit rating to help investors determine the risk of losing money in a given fixed-income investment. Agencies specializing in municipal bonds assign a rating, designated by letters or a combination of letters and numerals, based on their opinion of the future ability, legal obligation, and willingness of a bond issuer to make timely debt service payments.

11. Budget – A plan of financial operation embodying an estimate of proposed revenues and expenditures for a given period and the proposed means of financing them. A budget may be “preliminary” (the financial plan presented to the town meeting), or “final” (the plan approved by that body). The budget should be separated into basic units, either by department, program, or service. Formatting the budget in this way helps local officials and citizens make policy decisions when allocating scarce resources. It is also important to include as much information as possible concerning the output or accomplishments expected of a given program or department during the year.

12. Capital Improvements Program – A comprehensive plan for planning a community’s capital expenditures. It coordinates community planning, fiscal capacity and physical development. While all of the community’s needs should be identified in the program, there is a set of criteria that prioritizes the expenditures. The capital program is a plan for capital expenditures that usually extends at least five years beyond the capital budget.

13. Capital Outlay Expenditure Exclusion – A vote by a community at an election to exclude payments for a capital project from the levy limit. The exclusion is limited to one year and may temporarily increase the levy above the levy ceiling.

14. Cash – Currency, coin, checks and bankers’ drafts on hand or on deposit with an official or agent designated as custodian of cash and bank deposits.

15. Cash Management – The process of managing a local government’s money in order to ensure maximum cash availability and maximum yield on short-term investment of idle cash.

16. Cemetery Perpetual Care – Funds donated by individuals for the care of gravesites. According to MGL, funds from this account must be invested and spent as directed by perpetual care agreements. If no agreements exist, the

interest (but not principal) may be used as directed by the Cemetery Commissioners for the purpose of maintaining cemeteries.

17. Chapter 90 Highway Funds – The state legislature authorizes and issues transportation capital bonds every few years. In each Transportation Bond, funds are apportioned to communities based upon a formula under the provisions of MGL Ch. 90 ss. 34, hence the terms Chapter 90 funds. The Chapter 90 highway formula is comprised of three variables: local road mileage as certified by the Massachusetts Highway Department (MHD), employment figures from the Department of Employment and Training (DET), and population estimates from the U. S. Census Bureau. Under this formula, those communities with a larger number of road miles receive proportionately more aid than those with fewer road miles. These funds are reimbursed to communities based upon certified expenditure reports submitted to MHD.

18. Cherry Sheets – Named for the cherry colored paper on which they were originally printed, the Cherry Sheets are the official notification of the next fiscal year's state aid and assessments to communities and regional school districts from the Commissioner of Revenue. State aid to municipalities and regional school districts consist of two major types – distributions and reimbursement. Distributions provide funds based on formulas while reimbursements provide funds for costs incurred during a period for certain programs or services. In addition, communities may receive "offset items" that must be spent on specific programs. Cherry Sheet assessments are advance estimates of state assessments and charges. Local assessors are required to use these figures in setting the local tax rate. Because these figures are estimates, it should be noted that based upon filing requirements and/or actual information, the final aid or assessment may differ.

19. Cherry Sheet Offset Items – Local aid accounts that may be spent without appropriation in the budget, but which must be spent for specific municipal and regional school district programs. Current offset items include racial equality grants, school lunch grants, and public libraries grants.

20. Collective Bargaining – The negotiations between an employer and union representative regarding wages, hours, and working conditions.

21. Conservation Fund – This fund may be expended for lawful conservation purposes as described in MGL Ch. 40 ss. 8C. It may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by two-thirds vote of town meeting.

22. Contingent Appropriation – An appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 ss. 21C(m), however, towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2-½ override or exclusion question for the same purpose.

23. Debt Authorization – Formal approval by a two-thirds vote of town meeting to incur debt, in accordance with procedures stated in MGL Ch. 44.

24. Debt Exclusion – A vote by a municipality at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling.

25. Debt Limit – The maximum amount of debt that a municipality may have authorized for qualified purposes under state law.

26. Debt Service – The cost usually stated in annual terms, of the principal repayment and interest of any particular issue.

27. Deficit – The excess of expenditures over revenues during an accounting period. Also refers to the excess of the liabilities of a fund over its assets.

28. Education Reform Act Of 1993 – An act that seek to remedy educational funding inequities between local communities by providing adequate state funding over a seven year period for all local and regional school districts and by mandating equity based upon a particular community's ability to pay. One of the Act's major goals is to improve student achievement.

29. Eminent Domain – The power of a government to take property for public purposes by condemnation provided that fair compensation is paid to the owner. This method is frequently used to obtain real property that cannot be purchased from owners by means of a voluntary transaction.

30. Encumbrance – Obligations in the form of purchase orders, contracts, or salary commitments that are chargeable to an appropriation and for which a part of the appropriations is reserved.

31. Estimated Receipts – An estimate of state and local miscellaneous receipts based upon the previous year's receipts that assessors deduct from the gross amount to be raised in order to arrive at the tax levy.

32. Excess And Deficiency – Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is made based upon the balance sheet that is submitted by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

33. Excess Levy Capacity – The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Board of Selectmen must be informed of excess levy capacity and their acknowledgment must be submitted to the Department of Revenue when setting the tax rate.

34. Fiscal Year – Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the 2000 fiscal year is July 1, 1999 to June 30, 2000 and is usually written as FY2000. Since 1976, the federal government has had a fiscal year that begins October 1 and ends September 30.

35. Fixed Costs – Costs that are legally or contractually mandated such as retirement, FICA/Social Security, insurance, debt service or interest costs.

36. Foundation Budget – The target imposed by the Education Reform Act of 1993 for each school district, defining the spending level necessary to provide an adequate education for all students.

37. Free Cash – Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based upon the balance sheet as of June 30, which is submitted by the Town Accountant. A community should maintain a free cash balance to provide a hedge against unforeseen expenditures and to ensure there will be an adequate reserve to prevent sharp fluctuations in the tax rate. Maintenance of an adequate free cash level is not a luxury but a necessary component of sound local fiscal management. Credit rating agencies and other members of the financial community expect municipalities to maintain free cash reserves and make judgments regarding a community's fiscal stability, in part, on the basis of free cash.

38. Fund – An accounting entity with a self balancing set of accounts that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.

39. Fund Accounting – Organizing the financial records of a municipality into multiple funds. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues and expenditures) are accounted for independently in accordance with specific regulations, restrictions and limitations. Examples of funds include the general fund and enterprise funds.

40. General Fund – The fund used to account for most financial resources and activities governed by the normal town meeting appropriation process.

41. General Obligation Bonds – Bonds issued by a municipality that are backed by the full faith and credit of its taxing authority.

42. Hotel/Motel Excise – A local option since 1985 that allows a community to assess a tax on room occupancy. The community may levy up to 4% of the taxable rents of hotels, motels and lodging houses in that community.

43. Indirect Cost – Costs of a service not reflected in the service's operating budget. An example of an indirect cost of providing water service would be health insurance costs for water department employees. A determination of these costs is necessary to analyze the total cost of service delivery.

44. Interest – Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made.

45. Interest Rate – The interest payable, expressed as a percentage of the principal available, for use during a specified period of time. It is always expressed in annual terms.

46. Law Enforcement Trust Fund – A revolving fund established to account for a portion of the proceeds from the sale of property seized from illegal drug-related activities. Funds may be expended to defray certain qualified law enforcement costs as outlined in MGL Ch. 94C ss. 47. Funds from this account may be expended by the Police Chief without further appropriation.

47. Levy – The amount a community raises through the property tax. The levy can be any amount up to the levy limit.

48. Levy Ceiling – The maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 ss. 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion.

49. Levy Limit – The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and any overrides. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion.

50. Line-Item Budget – A budget that focuses on inputs of categories of spending, such as supplies, equipment, maintenance, or salaries, as opposed to a program budget.

51. Local Aid – Revenue allocated by the commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the “Cherry Sheets”. Most Cherry Sheet aid programs are considered revenues of the municipality's or regional school districts' general fund and may be spent for any purpose, subject to appropriation.

52. Local Receipts – Locally generated revenues, other than real and personal property taxes and enterprise fund revenues. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals, and charges. Annual estimates of local receipts are shown on the tax rate recapitulation sheet.

53. Motor Vehicle Excise (MVE) – Every motor vehicle and trailer registered in the Commonwealth is subject to the MVE unless expressly exempted. MVE is imposed for the privilege of registering a motor vehicle. Registering a motor vehicle automatically triggers the assessment of the excise.

54. Municipal(S) – Municipal refers to any state or subordinate governmental unit. “Municipals” (i.e., municipal bonds) include not only the bonds of all local subdivisions, such as cities, towns, school districts, special districts, but also bonds of the state and agencies of the state.

55. Municipal Revenue Growth Factor (MRGF) – An estimate of the percentage change in a municipality's revenue growth for a fiscal year. It represents the combined percentage increase in the following revenue components; automatic 2 ½ percent increase in the levy limit, estimated new growth, the change in selected unrestricted state aid categories, and the change in selected unrestricted local receipts (Education Reform Act of 1993).

56. Net School Spending (NSS) – School budget and municipal budget amounts attributable to education, excluding long-term debt service, student

transportation, school lunches and certain other specified school expenditures. A community's NSS funding must equal or exceed the NSS Requirement established annually by the Department of Education (DOE) (Education Reform Act of 1993).

57. New Growth – The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying all increases in value which are not the result of revaluation by the tax rate of the previous fiscal year, for example, FY2000 new growth is determined by multiplying the value on January 1, 1999 by the FY1999 tax rate. Assessors must submit documentation of new growth to the BLA annually before setting the tax rate. Documentation should be retained for five years in the event of a BLA audit.

58. Operating Budget – A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.

59. Overlay – (Overlay Reserve or Allowance for Abatements and Exemptions). An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.

60. Overlay Deficit – A deficit that occurs when the amount of overlay raised in a given year is insufficient to cover abatements, statutory exemptions, and uncollected taxes for that year. Overlay deficits must be provided for in the next fiscal year.

61. Overlay Surplus – Any balance in the overlay account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Within ten days of a written request by the chief executive officer of a city or town, the Board of Assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue; in other words, it becomes a part of free cash.

62. Override – A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount).

63. Override Capacity – The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.

64. Payments In Lieu Of Taxes – An agreement between a municipality and an entity not subject to taxation, such as charitable or educational organizations, in which the payer agrees to make a voluntary payment to the municipality. By law, a city or town must make such payment to any other community in which it owns land used for public purposes.

65. Receipts Reserved – Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example,

parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities.

66. Reserve Fund – An amount set aside annually within the budget of a city (not to exceed 3% of the tax levy for the preceding year) or town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for “extraordinary or unforeseen” expenditures. Other uses of the fund require budgetary transfers by town meeting.

67. Revenue Anticipation Borrowing – Cities, towns and districts may issue temporary notes in anticipation of taxes (TAN’s) or other revenue (RAN’s). The amount of this type of borrowing is limited to the total of the prior year’s tax levy, the net amount collected in motor vehicle and trailer excise in the prior year and payments made by the Commonwealth in lieu of taxes in the prior year. According to MGL Ch. 44 ss. 4, cities, towns and districts may borrow for up to one year in anticipation of such revenue.

68. Revenue Anticipation Note (RAN) – A short-term loan issued to be paid off by revenues, such as tax collections and state aid. RANs are full faith and credit obligations.

69. Revenue Bond – A bond payable from and secured solely by specific revenues and thereby not a full faith and credit obligation.

70. Revolving Fund – Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service. For departmental revolving funds, MGL Ch 44 ss. 52E ½ stipulates that each fund must be re-authorized each year at annual town meeting action, and that a limit on the total amount that may be spent from each fund must be established at that time. The aggregate of all revolving funds may not exceed ten percent of the amount raised by taxation by the town in the most recent fiscal year, and not more than one percent of the amount raised by taxation may be administered by a single fund. Wages and salaries for full-time employees may be paid from the revolving fund only if the fund is also charged for all associated fringe benefits. Revolving funds for other programs as provided by statute are still allowed, and a departmental revolving fund may be implemented in addition to or in conjunction with other existing statutory revolving funds, provided that the departmental revolving fund does not conflict with provisions of other revolving funds.

71. Sale Of Cemetery Lots Fund – A fund established to account for proceeds of the sale of cemetery lots. The proceeds may only be appropriated to pay for the cost of the land, its care and improvement or the enlargement of the cemetery under provisions of MGL Ch. 144 ss. 15.

72. Stabilization Fund – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may appropriate into this fund in any year an amount not to exceed ten percent of the prior year’s tax levy or a larger amount with the approval of the Emergency Finance Board. the aggregate of the stabilization fund shall not exceed ten percent of the community’s equalized

value, and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund.

73. State Aid Anticipation Note (SAAN) – A short-term loan issued in anticipation of a state grant or aid (MGL Ch. 44 ss. 6A).

74. State House Notes – Debt instruments for cities, towns, counties and districts certified by the Director of Accounts. State House Notes, payable annually, are usually limited to maturities of five years. The notes are generally less costly and easier to issue than conventional issues for borrowing. They are commonly used for temporary loans and smaller long-term issues.

75. Tax Rate – The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property.

76. TAX RATE RECAPITULATION SHEET (Also Recap Sheet) – A document submitted by a city or town to the Department of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the property tax rate. The recap sheet should be submitted to the Department of Revenue by September 1 (in order to issue the first-half semiannual property tax bills before October) or by December 1 (in order to issue the third quarterly property tax bills before January 1).

77. Triennial Certification – The Commissioner of Revenue is required to review local assessments every three years and to certify that they represent FFCV. The Bureau of Local Assessments is responsible for this process.

78. Trust Fund – In general, a fund held for the specific purpose stipulated by a trust agreement. The Town Treasurer acts as a custodian of trust funds and invests and expends such funds as stipulated by trust agreements or as directed by the Commissioners of Trust Funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For non-expendable trust funds, interest but not principal may be expended as directed.

79. Override – A vote by a community to permanently decrease the tax levy limit. As such, it is the exact opposite of an override.

80. Unfunded Pension Liability – Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by a municipality's employees and the assets the local retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.

81. Uniform Municipal Accounting System (UMAS) – The Department of Revenue regards UMAS as the professional standard for municipal account system that conforms to Generally Accepted Accounting Principles modern municipal accounting in Massachusetts. Among the benefits of conversion to UMAS is increased consistency in reporting and record keeping and enhanced comparability of data among cities and towns.

82. Unreserved Fund Balance (Surplus Revenue Account) – The amount by which cash, accounts receivable, and other assets exceed liabilities and restricted reserves. It is akin to a “stockholders’ equity” account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as “accounts receivable” may be taxes receivable and uncollected.

83. Warrant – An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted upon by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors’ warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.

84. Water Surplus – For water departments operating under MGL Ch. 41 ss. 69B, any revenues in excess of estimated water receipts or unspent water appropriations closeout to a water surplus account. Water surplus may be appropriated to fund water-related general and capital expenses or to reduce water rates.

85. Water Improvement Fund – An account into which fifty percent of the proceeds of the boat excise is deposited. Use of these proceeds is limited to certain waterway expenses as outlined in MGL Ch. 40 ss. 5G.